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Volume I

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95th Congress, 2d Session - - - - - - - - - - House Report No. 95-1828

FINAL REPORT

OF THE

SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

SUMMARY OF FINDINGS AND RECOMMENDATIONS

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Subcommittee on the Assassination of Martin Luther King, Jr.

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Subcommittee on the Assassination of John F. Kennedy

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G. ROBERT BLAKEY, *Chief Counsel and Director*

LETTER OF SUBMITTAL

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C., December 29, 1978.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk of the House, U.S. Capitol,
Washington, D.C.

DEAR MR. HENSHAW: On behalf of the Select Committee on Assassinations, and pursuant to the mandate of House Resolutions 222 and 433, I am filing for presentation to the House of Representatives the enclosed Summary of Findings and Recommendations of the Select Committee on Assassinations.

As has been agreed upon with the Speaker of the House, the Committee is filing this Summary of Findings and Recommendations while the preparation of the complete volumes of its Final Report continues under your auspices. The complete Final Report will include Volume I, the Findings and Recommendations of the Select Committee with an analysis of the evidence concerning each finding and recommendation; and Volumes II and sequential volumes, which will contain the Committee's hearings, scientific reports, and other materials pertinent to the Committee's investigation. These volumes will be presented to the House as soon as they can be suitably prepared for publication, including, where appropriate, the declassification of classified information. It is anticipated that the entire Final Report will be published by March 30, 1979.

Sincerely,

LOUIS STOKES, *Chairman.*

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Union Calendar No. 962

95TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 95–1828

REPORT OF ACTIVITIES—SELECT COMMITTEE ON ASSASSINATIONS

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Stokes, from the Select Committee on Assassinations, submitted the following

REPORT

I. Findings of the Select Committee on Assassinations in the Assassination of President John F. Kennedy in Dallas, Tex., November 22, 1963

A. Lee Harvey Oswald fired three shots at President John F. Kennedy. The second and third shots fired struck the President. The third shot he fired killed the President.

1. President Kennedy was struck by two rifle shots fired from behind him.

2. The shots that struck President Kennedy from behind him were fired from the sixth floor window of the southeast corner of the Texas School Book Depository building.

3. Lee Harvey Oswald owned the rifle that was used to fire the shots from the sixth floor window of the southeast corner of the Texas School Book Depository building.

4. Lee Harvey Oswald, shortly before the assassination, had excess to and was present on the sixth floor of the Texas School Book Depository building.

5. Lee Harvey Oswald's other actions tend to support the conclusion that he assassinated President Kennedy.

B. Scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy. Other scientific evidence does not preclude the possibility of two gunmen firing at the President. Scientific evidence negates some specific conspiracy allegations.

C. The committee believes, on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy. The committee is unable to identify the other gunman or the extent of the conspiracy.

1. The committee believes, on the basis of the evidence available to it, that the Soviet Government was not involved in the assassination of President Kennedy.

2. The committee believes, on the basis of the evidence available to it, that the Cuban Government was not involved in the assassination of President Kennedy.

3. The committee believes, on the basis of the evidence available to it, that anti-Castro Cuban groups, as groups, were not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

4. The committee believes, on the basis of the evidence available to it, that the national syndicate of organized crime, as a group, was not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

5. The Secret Service, Federal Bureau of Investigation, and Central Intelligence Agency, were not involved in the assassination of President Kennedy.

D. Agencies and departments of the U.S. Government performed with varying degrees of competency in the fulfillment of their duties. President John F. Kennedy did not receive adequate protection. A thorough and reliable investigation into the responsibility of Lee Harvey Oswald for the assassination of President John F. Kennedy was conducted. The investigation into the possibility of conspiracy in the assassination was inadequate. The conclusions of the investigations were arrived at in good faith, but presented in a fashion that was too definitive.

1. The Secret Service was deficient in the performance of its duties.

(*a*) The Secret Service possessed information that was not properly analyzed, investigated or used by the Secret Service in connection with the President's trip to Dallas; in addition, Secret Service agents in the motorcade were inadequately prepared to protect the President from a sniper.

(*b*) The responsibility of the Secret Service to investigate the assassination was terminated when the Federal Bureau of Investigation assumed primary investigative responsibility.

2. The Department of Justice failed to exercise initiative in supervising and directing the investigation by the Federal Bureau of Investigation of the assassination.

3. The Federal Bureau of Investigation performed with varying degrees of competency in the fulfillment of its duties.

(*a*) The Federal Bureau of Investigation adequately investigated Lee Harvey Oswald prior to the assassination and properly evaluated the evidence it possessed to assess his potential to endanger the public safety in a national emergency.

(*b*) The Federal Bureau of Investigation conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(*c*) The Federal Bureau of Investigation failed to investigate adequately the possibility of a conspiracy to assassinate the President.

(*d*) The Federal Bureau of Investigation was deficient in its sharing of information with other agencies and departments.

4. The Central Intelligence Agency was deficient in its collection and sharing of information both prior to and subsequent to the assassination.

5. The Warren Commission performed with varying degrees of competency in the fulfillment of its duties.

(*a*) The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(*b*) The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that was in the possession of other agencies and departments of the Government.

(*c*) The Warrent Commission arrived at its conclusions, based on the evidence available to it, in good faith.

(*d*) The Warren Commission presented the conclusions in its report in a fashion that was too definitive.

II. FINDINGS OF THE SELECT COMMITTEE ON ASSASSINATIONS IN THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR., IN MEMPHIS, TENN., APRIL 4, 1968

A. James Earl Ray fired one shot at Dr. Martin Luther King, Jr. The shot killed Dr. King.

1. Dr. King was killed by one rifle shot fired from in front of him.

2. The shot that killed Dr. King was fired from the bathroom window at the rear of a rooming house at 422½ South Main Street, Memphis, Tenn.

3. James Earl Ray purchased the rifle that was used to shoot Dr. King and transported it from Birmingham, Ala. to Memphis, Tenn., where he rented a room at 422½ South Main Street and moments after the assassination, he dropped it near 424 South Main Street.

4. It is highly probable that James Earl Ray stalked Dr. King for a period immediately preceding the assassination.

5. James Earl Ray fled the scene of the crime immediately after the assassination.

6. James Earl Ray's alibi for the time of the assassination, his story of "Raoul", and other allegedly exculpatory evidence are not worthy of belief.

7. James Earl Ray knowingly, intelligently, and voluntarily pleaded guilty to the first degree murder of Dr. King.

B. The committee believes, on the basis of the circumstantial evidence available to it, that there is a likelihood that James Earl Ray assassinated Dr. Martin Luther King as a result of a conspiracy.

C. The committee believes, on the basis of the evidence available to it, that no private organizations or individuals, other than those discussed under section B, were involved in the assassination of Dr. King.

D. No Federal, State or local government agency was involved in the assassination of Dr. King.

E. The Department of Justice and the Federal Bureau of Investigation performed with varying degrees of competency and legality in the fulfillment of their duties.

1. The Department of Justice failed to supervise adequately the Domestic Intelligence Division of the Federal Bureau of Investigation. In addition, the Federal Bureau of Investigation, in the Domestic Intelligence Division's COINTELPRO campaign against Dr. King, grossly abused and exceeded its legal authority and failed to consider the possibility that actions threatening bodily harm to Dr. King might be encouraged by the program.

2. The Department of Justice and Federal Bureau of Investigation performed a thorough investigation into the responsibility of James Earl Ray for the assassination of Dr. King, and conducted a thorough fugitive investigation, but failed to investigate ade-

quately the possibility of conspiracy in the assassination. The Federal Bureau of Investigation manifested a lack of concern for constitutional rights in the manner in which it conducted parts of the investigation.

III. Recommendations of the Select Committee on Assassinations

I. Legislative Recommendations on Issues Involving the Prohibition, Prevention and Prosecution of Assassinations and Federally Cognizable Homicides

A. Prohibition and prevention—

1. The Judiciary Committee should process for early consideration by the House legislation that would make the assassination of a Chief of State of any country, or his political equivalent, a Federal offense, if the offender is an American citizen or acts on behalf of an American citizen, or if the offender can be located in the United States.

2. The Judiciary Committee should process for early consideration by the House comprehensive legislation that would codify, revise and reform the Federal law of homicide, paying special attention to assassinations. The Judiciary Committee should give appropriate attention to the related offenses of conspiracy, attempt, assault and kidnapping in the context of assassinations. Such legislation should be processed independently of the general proposals for the codification, revision or reform of the Federal criminal law. The committee should address the following issues in considering the legislation:

(*a*) Distinguishing between those persons who should receive the protection of Federal law because of the official positions they occupy and those persons who should receive protection of Federal law only in the performance of their official duties,

(*b*) Extending the protection of Federal law to persons who occupy high judicial and executive positions, including Justices of the Supreme Court and Cabinet officers,

(*c*) The applicability of these laws to private individuals in the exercise of constitutional rights,

(*d*) The penalty to be provided for homicide and the related offenses, including the applicability and the consititutionality of the death penalty,

(*e*) The basis for the exercise of Federal jurisdiction, including domestic and extraterritorial reach,

(*f*) The preemption of State jurisdiction without the necessity of any action on the part of the Attorney General where the President is assassinated,

(*g*) The circumstances under which federal jurisdiction should preempt State jurisdiction in other cases,

(*h*) The power of Federal investigative agencies to require autopsies to be performed,

(*i*) The ability of Federal investigative agencies to secure the assistance of other Federal or State agencies, including the military, other laws notwithstanding,

(*j*) The authority to offer rewards to apprehend the perpetrators of the crime,

(*k*) A requirement of forfeiture of the instrumentalities of the crime,

(*l*) The condemnation of personal or other effects of historical interest,

(*m*) The advisability of providing, consistent with the first amendment, legal trust devices to hold for the benefit of victims, their families, or the General Treasury, the profits realized from books, movie rights, or public appearances by the perpetrator of the crime, and

(*n*) The applicability of threat and physical zone of protection legislation to persons under the physical protection of Federal investigative or law enforcement agencies.

3. The appropriate committees of the House should process for early consideration by the House charter legislation for the Central Intelligence Agency and Federal Bureau of Investigation. The committees should address the following issues in considering the charter legislation:

(*a*) The proper foreign and domestic intelligence functions of the intelligence and investigative agencies of the United States,

(*b*) The relationship between the domestic intelligence functions and the interference with the exercise of individual constitutional rights,

(*c*) The delineation of proper law enforcement functions and techniques including: (i) the use of informants and electronic surveillance, (ii) guidelines to circumscribe the use of informants or electronic surveillance to gather intelligence on, or investigate, groups that may be exercising first amendment freedoms, and (iii) the proper response of intelligence or investigative agencies where information is developed that an informant has committed a crime,

(*d*) Guidelines to consider the circumstances, if any, when an investigative agency or a component of that agency should be disqualified from taking an active role in an investigation because of an appearance of impropriety growing out of a particular intelligence or investigative action,

(*e*) Definitions of the legislative scope and extent of "sources and methods" and the "informant privilege" as a rationale for the executive branch withholding information in response to congressional or judicial process or other demand for information,

(*f*) Institutionalizing efforts to coordinate the gathering, sharing, and analysis of intelligence information,

(*g*) Insuring those agencies that primarily gather intelligence perform their function so as to serve the needs of other agencies that primarily engage in physical protection, and

(*h*) Implementing mechanisms that would permit interagency tasking of particular functions.

B. Prosecution—

1. The Judiciary Committee should consider the impact of the provisions of law dealing with third-party records, bail and speedy

trial as it applies to both the investigation and prosecution of federally cognizable homicides.

2. The Judiciary Committee should examine recently passed special prosecutor legislation to determine if its provisions should be modified to extend them to presidential assassinations and the circumstances, if any, under which they should be applicable to other federally cognizable homicides.

II. Administrative Recommendations to the Executive

The Department of Justice should reexamine its contingency plans for the handling of assassinations and federally cognizable homicides in light of the record and findings of the committee. Such an examination should consider the following issues:

A. Insuring that its response takes full advantage of inter- and intraagency task forces and the strike force approach to investigations and prosecutions,

B. Insuring that its response takes full advantage of the advances of science and technology, and determining when it should secure independent panels of scientists to review or perform necessary scientific tasks, or secure qualified independent forensic pathologists to perform a forensic autopsy.

C. Insuring that its fair trial/free press guidelines, consistent with an alleged offender's right to a fair trial, allow information about the facts and circumstances surrounding an assassintion promptly be made public, and promptly be corrected when erroneous information is mistakenly released, and

D. Entering at the current time into negotiations with representatives of the media to secure voluntary agreements providing that photographs, audio tapes, television tapes and related matters, made in and around the site of assassinations, be made available to the Government by consent immediately following an assassination.

III. General Recommendations for Congressional Investigations

A. The appropriate committee of the House should consider amending the Rules of the House to provide for a right to appointive counsel in investigative hearings where a witness is unable to provide counsel from private funds.

B. The appropriate committees of the House should examine the Rules of the House governing the conduct of counsel in legislative and investigative hearings and consider delineating guidelnes for professional conduct and ethics, including guidelines to deal with conflicts of interest in the representation of multiple witnesses before a committee.

C. The Judiciary Committee should examine the adequacy of Federal law as it provides for the production Federal and State prisoners before legislative or investigative committees under a writ of habeas corpus ad testificandum.

D. The appropriate committees of the House should examine and clarify the applicability to congressional subpenas of recently enacted legislative restrictions on access to records and other documents.

E. The appropriate committees of the House should consider legislation that would authorize the establishment of a legislative counsel to conduct litigation on behalf of committees of the House incident to

the investigative or legislative activities and confer jurisdiction on the U.S. District Court for the District of Columbia to hear such lawsuits.

F. appropriate committees of the House should consider if rule II of the House should be amended, so as to restrict the current access by all Member of the House to the classified information in the possession of any committee.

IV. Recommendations for Further Investigation

A. The Department of Justice should contract for the examination of a film taken by Charles L. Bronson to determine its sigificance, if any, to the assassination of President Kennedy.

B. The National Institute of Law Enforcement and Criminal Justice of the Department of Justice and the National Science Foundation should make a study of the theory and application of the principles of acoustics to forensic questions, using the materials available in the assassination of President John F. Kennedy as a case study.

C. The Department of Justice should review the committee's findings and report in the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr., and after completion of the recommended investigation enumerated in sections A and B, analyze whether further official investigation is warranted in either case. The Department of Justice should report its analysis to the Judiciary Committee.

○

Union Calendar No. 962

95th Congress, 2d Session - - - - - - House Report No. 95-1828, Part 2

REPORT

OF THE

SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

FINDINGS AND RECOMMENDATIONS

MARCH 29, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C., March 29, 1979.

Hon. EDMUND L. HENSHAW, JR.,
Clerk of the House,
U.S. Capitol, Washington, D.C.

DEAR MR. HENSHAW: On behalf of the Select Committee on Assassinations, and pursuant to the mandate of House Resolutions 222 and 433, 95th Congress, and House Resolution 49, 96th Congress, I am filing for presentation to the House of Representatives the enclosed Final Report with Additional and Dissenting Views of the Committee.

This supplements the Summary of Findings and Recommendations filed on January 2, 1979 (H.R. Rept. No. 95–1828, 95th Congress, 2d session (1979)).

Sincerely,

LOUIS STOKES, *Chairman.*

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SUMMARY OF FINDINGS AND RECOMMENDATIONS

I. Findings of the Select Committee on Assassinations in the Assassination of President John F. Kennedy in Dallas, Tex., November 22, 1963

A. Lee Harvey Oswald fired three shots at President John F. Kennedy. The second and third shots he fired struck the President. The third shot he fired killed the President.

1. President Kennedy was struck by two rifle shots fired from behind him.

2. The shots that struck President Kennedy from behind him were fired from the sixth floor window of the southeast corner of the Texas School Book Depository building.

3. Lee Harvey Oswald owned the rifle that was used to fire the shots from the sixth floor window of the southeast corner of the Texas School Book Depository building.

4. Lee Harvey Oswald, shortly before the assassination, had access to and was present on the sixth floor of the Texas School Book Depository building.

5. Lee Harvey Oswald's other actions tend to support the conclusion that he assassinated President Kennedy.

B. Scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy. Other scientific evidence does not preclude the possibility of two gunmen firing at the President. Scientific evidence negates some specific conspiracy allegations.

C. The committee believes, on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy. The committee is unable to identify the other gunman or the extent of the conspiracy.

1. The committee believes, on the basis of the evidence available to it, that the Soviet Government was not involved in the assassination of President Kennedy.

2. The committee believes, on the basis of the evidence available to it, that the Cuban Government was not involved in the assassination of President Kennedy.

3. The committee believes, on the basis of the evidence available to it, that anti-Castro Cuban groups, as groups, were not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

4. The committee believes, on the basis of the evidence available to it, that the national syndicate of organized crime, as a group, was not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

5. The Secret Service, Federal Bureau of Investigation and Central Intelligence Agency were not involved in the assassination of President Kennedy.

D. Agencies and departments of the U.S. Government performed with varying degrees of competency in the fulfillment of their duties. President John F. Kennedy did not receive adequate protection. A thorough and reliable investigation into the responsibility of Lee Harvey Oswald for the assassination of President John F. Kennedy was conducted. The investigation into the possibility of conspiracy in the assassination was inadequate. The conclusions of the investigations were arrived at in good faith, but presented in a fashion that was too definitive.

1. The Secret Service was deficient in the performance of its duties.

(*a*) The Secret Service possessed information that was not properly analyzed, investigated or used by the Secret Service in connection with the President's trip to Dallas; in addition, Secret Service agents in the motorcade were inadequately prepared to protect the President from a sniper.

(*b*) The responsibility of the Secret Service to investigate the assassination was terminated when the Federal Bureau of Investigation assumed primary investigative responsibility.

2. The Department of Justice failed to exercise initiative in supervising and directing the investigation by the Federal Bureau of Investigation of the assassination.

3. The Federal Bureau of Investigation performed with varying degrees of competency in the fulfillment of its duties.

(*a*) The Federal Bureau of Investigation adequately investigated Lee Harvey Oswald prior to the assassination and properly evaluated the evidence it possessed to assess his potential to endanger the public safety in a national emergency.

(*b*) The Federal Bureau of Investigation conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(*c*) The Federal Bureau of Investigation failed to investigate adequately the possibility of a conspiracy to assassinate the President.

(*d*) The Federal Bureau of Investigation was deficient in its sharing of information with other agencies and departments.

4. The Central Intelligence Agency was deficient in its collection and sharing of information both prior to and subsequent to the assassination.

5. The Warren Commission performed with varying degrees of competency in the fulfillment of its duties.

(*a*) The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(*b*) The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that

was in the possession of other agencies and departments of the Government.

(*c*) The Warren Commission arrived at its conclusions, based on the evidence available to it, in good faith.

(*d*) The Warren Commission presented the conclusions in its report in a fashion that was too definitive.

II. FINDINGS OF THE SELECT COMMITTEE ON ASSASSINATIONS IN THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR. IN MEMPHIS, TENN., APRIL 4, 1968

A. James Earl Ray fired one shot at Dr. Martin Luther King, Jr. The shot killed Dr. King.

1. Dr. King was killed by one rifle shot fired from in front of him.

2. The shot that killed Dr. King was fired from the bathroom window at the rear of a roominghouse at 422½ South Main Street, Memphis, Tenn.

3. James Earl Ray purchased the rifle that was used to shoot Dr. King and transported it from Birmingham, Ala. to Memphis, Tenn., where he rented a room at 422½ South Main Street, and moments after the assassination, he dropped it near 424 South Main Street.

4. It is highly probable that James Earl Ray stalked Dr. King for a period immediately preceding the assassination.

5. James Earl Ray fled the scene of the crime immediately after the assassination.

6. James Earl Ray's alibi for the time of the assassination, his story of "Raoul", and other allegedly exculpatory evidence are not worthy of belief.

7. James Earl Ray knowingly, intelligently, and voluntarily pleaded guilty to the first degree murder of Dr. King.

B. The committee believes, on the basis of the circumstantial evidence available to it, that there is a likelihood that James Earl Ray assassinated Dr. Martin Luther King as a result of a conspiracy.

C. The committee believes, on the basis of the evidence available to it, that no private organizations or individuals, other than those discussed under section B, were involved in the assassination of Dr. King.

D. No Federal, State or local government agency was involved in the assassination of Dr. King.

E. The Department of Justice and the Federal Bureau of Investigation performed with varying degrees of competency and legality in the fulfillment of their duties.

1. The Department of Justice failed to supervise adequately the Domestic Intelligence Division of the Federal Bureau of Investigation. In addition, the Federal Bureau of Investigation, in the Domestic Intelligence Division's COINTELPRO campaign against Dr. King, grossly abused and exceeded its legal authority and failed to consider the possibility that actions threatening bodily harm to Dr. King might be encouraged by the program.

2. The Department of Justice and Federal Bureau of Investigation performed a thorough investigation into the responsibility of

James Earl Ray for the assassination of Dr. King, and conducted a thorough fugitive investigation, but failed to investigate adequately the possibility of conspiracy in the assassination. The Federal Bureau of Investigation manifested a lack of concern for constitutional rights in the manner in which it conducted parts of the investigation.

III. Recommendations of the Select Committee on Assassinations

I. Legislative recommendations on issues involving the prohibition, prevention and prosecution of assassinations and federally cognizable homicides

A. Prohibition and prevention—

1. The Judiciary Committee should process for early consideration by the House legislation that would make the assassination of a Chief of State of any country, or his political equivalent, a Federal offense, if the offender is an American citizen or acts on behalf of an American citizen, or if the offender can be located in the United States.

2. The Judiciary Committee should process for early consideration by the House comprehensive legislation that would codify, revise and reform the Federal law of homicide, paying special attention to assassinations. The Judiciary Committee should give appropriate attention to the related offenses of conspiracy, attempt, assault and kidnaping in the context of assassinations. Such legislation should be processed independently of the general proposals for the codification, revision or reform of the Federal criminal law. The committee should address the following issues in considering the legislation:

(*a*) Distinguishing between those persons who should receive the protection of Federal law because of the official positions they occupy and those persons who should receive protection of Federal law only in the performance of their official duties,

(*b*) Extending the protection of Federal law to persons who occupy high judicial and executive positions, including Justices of the Supreme Court and Cabinet officers,

(*c*) The applicability of these laws to private individuals in the exercise of constitutional rights,

(*d*) The penalty to be provided for homicide and the related offenses, including the applicability and the constitutionality of the death penalty,

(*e*) The basis for the exercise of Federal jurisdiction, including domestic and extraterritorial reach,

(*f*) The preemption of State jurisdiction without the necessity of any action on the part of the Attorney General where the President is assassinated,

(*g*) The circumstances under which Federal jurisdiction should preempt State jurisdiction in other cases,

(*h*) The power of Federal investigative agencies to require autopsies to be performed,

(*i*) The ability of Federal investigative agencies to secure the assistance of other Federal or State agencies, including the military, other laws notwithstanding,

(*j*) The authority to offer rewards to apprehend the perpetrators of the crime,

(*k*) A requirement of forfeiture of the instrumentalities of the crime,

(*l*) The condemnation of personal or other effects of historical interest,

(*m*) The advisability of providing, consistent with the first amendment, legal trust devices to hold for the benefit of victims, their families, or the general treasury, the profits realized from books, movie rights, or public appearances by the perpetrator of the crime, and

(*n*) The applicability of threat and physical zone of protection legislation to persons under the physical protection of Federal investigative or law enforcement agencies.

3. The appropriate committees of the House should process for early consideration by the House charter legislation for the Central Intelligence Agency and Federal Bureau of Investigation. The committees should address the following issues in considering the charter legislation:

(*a*) The proper foreign and domestic intelligence functions of the intelligence and investigative agencies of the United States,

(*b*) The relationship between the domestic intelligence functions and the interference with the exercise of individual constitutional rights,

(*c*) The delineation of proper law enforcement functions and techniques including: (i) The use of informants and electronic surveillance, (ii) guidelines to circumscribe the use of informants or electronic surveillance to gather intelligence on, or investigate, groups that may be exercising first amendment freedoms, and (iii) the proper response of intelligence or investigative agencies where information is developed that an informant has committed a crime,

(*d*) Guidelines to consider the circumstances, if any, when an investigative agency or a component of that agency should be disqualified from taking an active role in an investigation because of an appearance of impropriety growing out of a particular intelligence or investigative action,

(*e*) Definitions of the legislative scope and extent of "sources and methods" and the "informant privilege" as a rationale for the executive branch withholding information in response to congressional or judicial process or other demand for information,

(*f*) Institutionalizing efforts to coordinate the gathering, sharing, and analysis of intelligence information,

(*g*) Insuring those agencies that primarily gather intelligence perform their function so as to serve the needs of other agencies that primarily engage in physical protection, and

(*h*) Implementing mechanisms that would permit interagency tasking of particular functions.

B. Prosecution—

1. The Judiciary Committee should consider the impact of the provisions of law dealing with third-party records, bail and speedy

trial as it applies to both the investigation and prosecution of federally cognizable homicides.

2. The Judiciary Committee should examine recently passed special prosecutor legislation to determine if its provisions should be modified to extend them to Presidential assassinations and the circumstances, if any, under which they should be applicable to other federally cognizable homicides.

II. Administrative recommendations to the Executive

The Department of Justice should reexamine its contingency plans for the handling of assassinations and federally cognizable homicides in light of the record and findings of the committee. Such an examination should consider the following issues:

A. Insuring that its response takes full advantage of inter- and intra-agency task forces and the strike force approach to investigations and prosecutions,

B. Insuring that its response takes full advantage of the advances of science and technology, and determining when it should secure independent panels of scientists to review or perform necessary scientific tasks, or secure qualified independent forensic pathologists to perform a forensic autopsy,

C. Insuring that its fair trial/free press guidelines, consistent with an alleged offender's right to a fair trial, allow information about the facts and circumstances surrounding an assassination promptly be made public, and promptly be corrected when erroneous information is mistakenly released, and

D. Entering at the current time into negotiations with representatives of the media to secure voluntary agreements providing that photographs, audio tapes, television tapes, and related matters, made in and around the site of assassinations, be made available to the Government by consent immediately following an assassination.

III. General recommendations for congressional investigations

A. The appropriate committees of the House should consider amending the rules of the House to provide for a right to appointive counsel in investigative hearings where a witness is unable to provide counsel from private funds.

B. The appropriate committees of the House should examine the rules of the House governing the conduct of counsel in legislative and investigative hearings and consider delineating guidelines for professional conduct and ethics, including guidelines to deal with conflicts of interest in the representation of multiple witnesses before a committee.

C. The Judiciary Committee should examine the adequacy of Federal law as it provides for the production of Federal and State prisoners before legislative or investigative committees under a writ of habeas corpus ad testificandum.

D. The appropriate committees of the House should examine and clarify the applicability to congressional subpenas of recently enacted legislative restrictions on access to records and other documents.

E. The appropriate committees of the House should consider legislation that would authorize the establishment of a legislative counsel to conduct litigation on behalf of committees of the House incident to

the investigative or legislative activities and confer jurisdiction on the U.S. District Court for the District of Columbia to hear such lawsuits.

F. The appropriate committees of the House should consider if rule 11 of the House should be amended, so as to restrict the current access by all Members of the House to the classified information in the possession of any committee.

IV. Recommendations for further investigation

A. The Department of Justice should contract for the examination of a film taken by Charles L. Bronson to determine its significance, if any, to the assassination of President Kennedy.

B. The National Institute of Law Enforcement and Criminal Justice of the Department of Justice and the National Science Foundation should make a study of the theory and application of the principles of acoustics to forensic questions, using the materials available in the assassination of President John F. Kennedy as a case study.

C. The Department of Justice should review the committee's findings and report in the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr., and after completion of the recommended investigation enumerated in sections A and B, analyze whether further official investigation is warranted in either case. The Department of Justice should report its analysis to the Judiciary Committee.

INTRODUCTION*

History of the Committee

The House Select Committee on Assassinations was established in September 1976 by House Resolution 1540, 94th Congress, 2d Session. The resolution authorized a 12-member select committee to conduct a full and complete investigation of the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr. The committee was constituted for the four remaining months of the 94th Congress, and it was mandated to report the results of its investigation to the House of Representatives as soon as practicable.

House Resolution 1540 had been introduced a year prior to its passage. It was a refinement of several similar resolutions sponsored by some 135 Members of the 94th Congress. Substantial impetus for the creation of a select committee to investigate these assassinations was derived from revelations in the report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, dated April 1976 and released in June 1976. The Senate select committee reported that the Central Intelligence Agency had withheld from the Warren Commission, during its investigation of the assassination of President Kennedy, information about plots by the Government of the United States against Fidel Castro of Cuba; and that the Federal Bureau of Investigation had conducted a counterintelligence program (COINTELPRO) against Dr. King and the Southern Christian Leadership Conference.

The House Select Committee on Assassinations created by House Resolution 1540 officially expired as the 94th Congress ended its term on January 3, 1977.

On January 4, 1977, a unanimous consent request was introduced to consider House Resolution 9, a resolution to reconstitute the committee. An objection was heard, however, and House Resolution 9 was not brought to an immediate vote on the floor of the House. It was instead referred to the Rules Committee, which began hearings on it on January 25, 1977. House Resolution 9, as amended, was favorably reported by the Rules Committee as House Resolution 222 on February 1, 1977.

The creation of a congressional committee to investigate assassinations, as well as issues concerning the nature and cost of the proposed investigations, created considerable controversy. House Resolution 222 proposed to constitute the committee for only an additional 2 months, to the end of March 1977, so that these issues could be more closely examined. On February 2, 1977, House Resolution 222 was considered

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*Italic numerals in parentheses in the middle of or at the end of sentences indicate references which can be found at the end of the report.

by the House of Representatives as the Committee of the Whole, so that amendments could be offered from the floor and Members given an opportunity to express objections. House Resolution 222 authorized and directed the committee to:

> * * * conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy and the assassination and death of Martin Luther King, Jr., and of any other persons the select committee shall determine might be related to either death in order to ascertain (1) whether the existing laws of the United States, including but not limited to laws relating to the safety and protection of the President of the United States, assassinations of the President of the United States, deprivation of civil rights, and conspiracies related thereto, as well as the investigatory jurisdiction and capability of agencies and departments of the U.S. Government, are adequate, either in their provisions or in the manner of their enforcement; and (2) whether there was full disclosure and sharing of information and evidence among agencies and departments of the U.S. Government during the course of all prior investigations into those deaths; and whether any evidence or information which was not in the possession of any agency or department of the U.S. Government investigating either death would have been of assistance to that agency or department, and why such information was not provided to or collected by the appropriate agency or department; and shall make recommendations to the House, if the select committee deems it appropriate, for the amendment of existing legislation or the enactment of new legislation.

House Resolution 222 was passed by the House on February 2, 1977.

On March 8, 1977, Representative Louis Stokes of Ohio was named chairman of the committee to replace the previous chairman who had resigned. Two subcommittees were created—a subcommittee on the assassination of President Kennedy, with Representative Richardson Preyer of North Carolina as its chairman, and a subcommittee on the assassination of Dr. King, with Walter E. Fauntroy, Delegate of the District of Columbia, as its chairman. The staff was divided into two task forces designated to assist each of the subcommittees.

On March 30, 1977, the House approved House Resolution 433 which constituted the committee until January 3, 1979, the duration of the 95th Congress.

In June 1977, G. Robert Blakey was appointed chief counsel and staff director to replace the former chief counsel who had resigned on March 30, 1977.

The committee established a program that consisted of three primary activities—the investigation, public presentation of evidence and preparation of the final report.

Nature and Scope of the Investigation

The committee identified four main issues to be investigated to fulfill its mandate set forth in House Resolution 222. First, who was or

were the assassin(s) of President John F. Kennedy and Dr. Martin Luther King, Jr.? Second, did the assassin(s) have any aid or assistance either before or after the assassination? Third, did the agencies and departments of the U.S. Government adequately perform their duties and functions in (a) collecting and sharing information prior to the assassination; (b) protecting John F. Kennedy and Martin Luther King, Jr.; and (c) conducting investigations into each assassination and coordinating the results of those investigations? Fourth, given the evidence the committee uncovered, are the amendment of existing legislation or the enactment of new legislation appropriate?

The necessity for the committee to explore each of these issues, as well as the manner in which they could be investigated, was carefully considered by the committee because the committee was acutely aware of the potential risks and dangers inherent in a congressional committee addressing aspects of these issues. The issues that posed particular risks and dangers were the committee's investigation of who the assassin(s) was or were, and if the assassin(s) had help before or after the assassination. Necessarily, the committee's inquiry into these issues would entail an examination of the conduct of individuals. Further, the conduct to be examined might also be found to be criminal in a judicial proceeding, and might well carry with it, in the minds of the general public, the severest moral disapprobation because of the nature of the crimes committed. Possible injury of the reputation of potential "subjects" or "targets" of the investigation was, therefore, a significant danger or risk clearly recognized by the committee.

The committee also recognized other risks and dangers inherent in the special character of its investigation. For example, associates of a "target" might have to be investigated fully. The associate may not have engaged in any activity connected with the assassination, but disclosure of the facts of the investigation alone might carry with it an invasion of privacy of the associate. The risk and danger were also considered by the committee.

The committee recognized that, unlike a criminal trial in a court, no matter how definitively the committee's findings were presented in its report, no legal sanctions such as fine or imprisonment could be imposed as a direct result of its investigation. Nevertheless, the danger of injury to reputation and invasion of privacy of the individuals the committee had investigated required that the committee responsibly assess precisely how its investigation would be conducted and its results disclosed.

Many of the potential risks and dangers from Congress undertaking an investigation into conduct that is also criminal primarily arise because of the nature and scope of a congressional investigation and the procedures a congressional committee employs to conduct an investigation. The procedures that Congress uses are dramatically different than those employed when individual conduct is examined by either the executive or judicial branches of Government. The manner in which the investigations differ should be understood by each person reading this report and should be considered by Congress in deciding when an investigation of this character is appropriate in the future.

The primary determinant of the character or scope of any governmental investigation is dependent upon which branch of Government is responsible for conducting it. Each of the three branches of govern-

ment—legislative, executive, and judicial—is granted differing powers and privileges by the Constitution. These powers and privileges differ to reflect the differing societal goals and values intended to be achieved by the functioning of each branch. Accordingly, the nature and scope of a congressional investigation are determined by the powers and privileges granted to Congress by the Constitution.

The Constitution assigns to Congress the power and responsibility for legislating in particular areas. Although the Constitution does not expressly grant Congress the power to investigate, it had been recognized by the Supreme Court that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function."(*1*) The Supreme Court recognized that for Congress wisely or effectively to legislate required that it have access to information and be able to compel the production of the information before it. Consequently, it has long been recognized that the failure of a citizen to respond to a subpena to testify at a congressional hearing can result in fine and imprisonment, if the witness is convicted in court of contempt of Congress. Similarly, a witness who appears before a congressional committee may be found guilty of contempt if he refuses to testify or respond to particular questions. The limits on congressional power to compel testimony that can constitute a defense for a witness in any contempt trial are few.

A fundamental defense is that the investigation is not in an area in which Congress can constitutionally legislate. This defense, however, is, as a practical matter, very limited, as Congress can enact legislation in many areas. Further, even the ability of Congress to legislate concerning particular activity has expanded over time. For example, under current Supreme Court rulings, American society today is such that an activity would probably be construed as affecting interstate commerce where it might not have been so construed in the less complex economic markets of the early 1800's. As such, the authority of Congress to legislate and investigate has grown. That an investigation must be in an area in which Congress can legislate is, therefore, not a substantial restriction on the scope of Congress to investigate.[1]

Perhaps the most significant limitation on the scope of a congressional investigation is that the questions propounded to the witness must be pertinent to the investigation. Yet that concept is not readily capable of precise definition, and, most importantly, its application to a set of facts is not ultimately resolved while the witness is before the committee. These two factors also shape congressional hearings. For example, before the committee pertinent questions about motive of a suspected "target" might include, in the Kennedy investigation, attitudes about American policy toward the Cuban Government, or, in the King investigation, questions concerning attitudes on racial relations. Even questions about conduct occurring after the assassination might be considered pertinent if the answers to them might be used to demonstrate similar conduct prior to the assassination or to illuminate personal character traits, including trustworthiness or

[1] Just because Congress can legislate and therefore investigate in an area does not, of course, mean that it may enact any legislation that it desires in the area. The legislation itself may be successfully challenged if, for example, it unnecessarily infringes on constitutional rights.

propensity to violence. Accordingly, pertinency in the context of a congressional hearing is an elastic concept that, when exploring a subject as broad as the assassination of two of the Nation's leaders, is not in fact very restrictive on the scope of the investigation.

Even when a question is propounded that the witness believes not pertinent, there is substantial pressure on the witness to answer the question. The witness may object to the question and ask the Chair to rule on the objection. Pursuant to the rules of the House, the chairman of the committee is the person responsible for ruling on a witness' objection to a question. Should the Chair sustain the objection, the witness does not have to answer the question. Should the chairman overrule the objection and direct the witness to answer, the witness faces a difficult choice. The witness may, of course, decide to answer the question. If he refuses to answer the question, however, he runs the risk of being prosecuted in a court for criminal contempt. In any prosecution, the witness will be able to raise the defense that he refused to answer the question because it was not pertinent to the inquiry. If he prevails, he will be found not guilty. If his defense is rejected, he will be found guilty and face fine and imprisonment. Nevertheless, the contempt trial may come months or longer after the witness' refusal to testify before the committee. The witness does not get an opportunity at the time of his appearance before the committee to have a judicial ruling on the merits for his refusal to answer. Accordingly, witnesses are under substantial pressure at the hearing to answer questions; they are naturally reluctant to risk fine and imprisonment at a later date. The pertinency objection, therefore, is also a restriction on the scope of a congressional investigation that may be of limited impact.

The procedures of a congressional hearing also affected the committee's assessment of the risks and dangers inherent in its addressing all four issues it had tentatively identified. The procedures of a congressional hearing are fundamentally different than those in a judicial context. A few clear examples are sufficient to demonstrate the differences. First, there is no impartial judge presiding over the congressional proceeding. An objection that a committee member's question is impertinent is in fact ruled upon by the chairman of the committee. Second, a "target" in a congressional hearing may be compelled by a grant of immunity to testify despite his claim of the fifth amendment. In a trial, a defendant may not be compelled to take the stand and testify. Third, there are no constraints on what committee members may say publicly prior to the appearance of a "target" of an investigation before a hearing; a prosecutor in a criminal case is constrained by law to refrain from public comment prior to the commencement of a trial. Fourth, unlike a defendant in a trial, a witness before a committee has no right to object to the admissibility of evidence. Hearsay, for example, is freely admissible in a congressional hearing, and witnesses may be questioned on the basis of secondhand statements. Fifth, in the case of a witness who is a "subject" or "target" of a congressional investigation, the witness, unlike in a trial, has no absolute right to:

—Cross-examine witnesses who have testified against him;
—Have particular witnesses whom he desires to be subpenaed to appear before the committee; or even
—Make a statement in his own behalf.

Sixth, and just as important, the right of a witness before a committee to be accompanied by an attorney, and the role of the attorney, are radically different in a congressional hearing than in a judicial trial. Unlike a trial, a witness before a congressional committee has no constitutional right to have an attorney with him. The rules of the House do grant a witness the right to have an attorney present, but it is a right conferred by the House and not the Constitution; the scope of the right is defined by the House and not by judicial authority. The rule provides that witnesses can be accompanied by counsel only "for the purpose of advising them concerning their constitutional rights."

The committee recognized that by modifying its own procedures, it could ameliorate some of the effect of the inherent dangers congressional procedures might entail in the context of the special character of its inquiry. Consequently, comment outside of the committee's hearings was severely restricted by the committee rules. The committee also provided in its rules that it would provide counsel for a witness who was financially or otherwise unable to afford counsel; it allowed counsel to submit questions to the committee to be asked of his or her client; and it allowed a witness or counsel time at the conclusion of his testimony to make any statement to explain or amplify the witness' testimony, or the opportunity to supplement the record. In addition, in its hearings, the committee followed the practice of having the chairman of the committee relinquish the Chair temporarily when he wished to ask a substantial number of questions.[2]

Nevertheless, distinctions between a congressional hearing and a trial remain, and they cannot be eliminated without remaking the legislative function in the image of judicial power. The outcome of a congressional hearing differs radically from that of a trial. A congressional committee votes on its findings, but, as witnessed in this report, there is no requirement for unanimity. Simple majority vote suffices to issue a report of conclusions.

In addition, a congressional hearing need not, in its finding of facts for the purpose of legislation, establish facts beyond a reasonable doubt. A committee may base its legislation on facts it finds as probable, or even likely. Consequently, a "target" may not obtain the vindication of his claims of innocence that would be associated with a judicial verdict in his favor. Suspicion about the "target" may linger, and the most dangerous injury to reputation may, in fact, stem from lingering suspicion.

The differences in the nature and purpose of a congressional committee hearing and a judicial trial are apparent—they exist because each proceeding is designed to achieve differing societal goals. Some of the dangers considered by the committee arise when a congressional hearing investigating conduct that is criminal is mistaken for or confused with a criminal trial adjudicating whether a person committed criminal acts. Others may be inherent in a congressional hearing. It can be forcefully argued that when evidence of conduct that may be termed criminal is introduced before a congressional committee, but in the end falls short of a clear and convincing or similar high stand-

[2] The committee also strictly adhered to the rules of the House and first took testimony that might tend to defame, degrade or incriminate a person in executive session, so that the committee could evaluate the testimony and not publicly present unfounded or baseless accusations that might harm a person's reputation.

ard of persuasion, the responsible course would be to refrain from making the evidence public to protect the reputation of the person involved. Similarly, the committee considered whether it should disclose information relevant to its investigation out of concern for the privacy rights of individuals who were not "targets" of the investigation.

The committee evaluated each of the four issues it had identified for examination in fulfillment of its mandate in light of the perceived risks and dangers to the reputations and rights of privacy of persons investigated, risks and dangers arising from the character of a congressional investigation. The committee determined that a complete analysis of all four, and public disclosure of that analysis were necessary to fulfill its legislative responsibilities under the Constitution. In addition, the committee determined that a complete analysis of all four, and public disclosure of that analysis, were necessary to fulfill its constitutional duty of informing the public.

The fourth issue the committee identified—whether the amendment of existing legislation or the enactment of new legislation is appropriate—is, of course, the essence of the legislative function. In order to fulfill this responsibility, the committee had to have an independent and objective analysis of the facts that surrounded each assassination, as well as the prior investigations into the assassinations. The committee realized that to address satisfactorily the fourth issue required, in essence, a complete analysis of the other three issues. To consider intelligently issues related to, for example, Presidential protection and deprivation of civil rights, it was necessary that the committee determine the facts in President Kennedy's and Dr. King's assassinations, and the earlier investigations of those assassinations.

Further, it was important to the committee that it was investigating areas in which there had been prior legislation. Statutes had assigned numerous duties to agencies and departments of the Federal Government. For example, the Secret Service had responsibility for protecting President Kennedy, and the FBI conducted the investigation into the assassination of Dr. King on the basis of its being a possible conspiracy to violate Dr. King's civil rights, in violation of 18 U.S.C. § 241. The responsibility of the House to oversee the performance of particular agencies and departments of the executive branch is of paramount importance in insuring efficient, responsive and constitutional government. As Woodrow Wilson observed: "Quite as important as legislating is vigilant oversight of administration." (*2*) An assessment of the performance of agencies such as the CIA, Secret Service, and FBI was consequently considered essential by the committee. A careful and complete investigation into the third issue the committee had identified—the performance of the agencies—was necessary to fulfill the committee's responsibilities for oversight of the administration and the determination of the adequacy of existing laws.

To address satisfactorily the performance of the agencies, however, the committee required an independent determination of the facts in each assassination. For example, it would be irresponsible for the committee to criticize the manner in which the FBI conducted its investigation and the conclusions it reached without the committee having made an independent determination of what it believed to be the facts. Accordingly, it was necessary for the committee to explore the first

and second issues it identified—who the assassin(s) of President Kennedy and Dr. King was (were), and if there was a conspiracy in either case—so that the committee could effectively perform its oversight responsibilities in evaluating the performance of the executive. As discussed, a resolution of these issues was also necessary to determine whether the amendment of existing legislation or the enactment of new legislation was appropriate.

Despite the acknowledged risks and dangers to the reputation or privacy of some individuals, the committee believed that a complete analysis and disclosure of all the issues it had identified was necessary to fulfill its legislative mandate. There was an equally important reason, the committee believed, for public disclosure of the facts bearing on these issues. The committee had an obligation pursuant to its informing function under the Constitution to make public to the American people the facts about each of these assassinations and to respond to public concern about the performance of Government agencies and departments.

The House of Representatives recognized that these two assassinations had been of extraordinary concern to the American people when it debated and authorized the creation of this committee. The American people clearly disbelieved the conclusions that had been the official position of the U.S. Government. Despite the official position of the Government that Lee Harvey Oswald and James Earl Ray were lone assassins, a Gallup Poll indicated that 80 percent of the American people believed Lee Harvey Oswald had help and 70 percent believed James Earl Ray had help. This public disbelief in the conclusions of the official governmental investigations was a substantial factor in the creation of the committee.(*3*)

The public concern, however, was far more significant than mere doubt about the official conclusions of the investigations. Such doubt extended to far more serious allegations concerning the agencies and departments of the Government. These allegations ranged from intentional coverup of known coconspirators to actual governmental complicity in the assassinations. Such allegations called into question the very integrity of the governmental structure. The committee did not believe it would suffice to respond to public concern simply by issuing a finding on the question of agency and department complicity in the assassination. No finding would receive public acceptance if supporting facts were not presented; in fact, it would most likely increase suspicion of governmental involvement in the assassinations if the finding was simply that agencies and departments were not involved. The committee had a responsibility to state who it believed had participated in each assassination, and what the factual basis was for that conclusion.

To respond to public concern about the assassinations and the performance of the executive agencies and departments, the committee believed its informing and legislative functions required an independent determination and public disclosure of the facts.

Woodrow Wilson wrote about the informing function of Congress:

> It is the proper duty of a representative body to look diligently into every affair of Government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless

> Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function. (4)

The Supreme Court has similarly stated that it "does not doubt the importance of informing the public about the business of Congress." [3]

The committee's independent analysis of all four issues, and its informing the public of that analysis, will allow each American to make an intelligent judgment on the validity of allegations concerning the performance of agencies and departments of the executive branch, as well as enable people to assess the committee's own performance. It is essential not only that persons be able to judge the performance of the executive agencies, but that they be able to judge this committee's performance as well. Such is the very essence of representative democracy.

The committee determined, therefore, that, despite the potential dangers and risks inherent in its analysis of some of the issues it had identified to fulfill its mandate, an analysis and the public disclosure of all of the facts relating to the four issues was necessary to fulfill its legislating functions under the Constitution. Further, the committee determined that an analysis and disclosure of the facts relating to each issue was also necessary to fulfill its constitutional informing responsibilities.

The committee's findings in this report are stated so as to be faithful and accurate to the facts as found by the majority of the committee. The committee found each fact in this report with no goal or standard except the committee's commitment to ascertain the truth to the best of its ability. The committee hopes that each person who reads this report appreciates the nature of a congressional investigation, and that any potential dangers or harms from a misunderstanding of the com-

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[3] *Doe* v. *McMillan* (412 U.S. 306, 314 (1972)). The *Doe* case was carefully considered by the committee as its investigation was conducted, its hearings held, and the report prepared. *Doe* addressed the relationship between the informing function of Congress and the availability of speech and debate immunity for distribution of a report that might infringe on the rights of privacy of individuals. The majority opinion in the *Doe* case, the committee believed, does inhibit Congress exercise and performance of its responsibilities and duties. The committee noted that the opinion of the District of Columbia Court of Appeals on remand from the Supreme Court, *Doe* v. *McMillan* (566 F. 2d 713 (1977)), also emphasized the importance of the informing function of Congress; it interpreted the Supreme Court decision as only stating that public dissemination of a report was "not necessarily" within the speech and debate immunity. As detailed in the text, the committee was acutely aware of the potential injury to reputation or invasion of privacy that might occur by distribution of the committee's report. The committee believed, however, that its legislative and informing responsibilities required that this report be prepared and distributed in the manner the committee has done. For a committee addressing questions about controversies that have arisen concerning the assassination of two of the country's leading figures, public dissemination of the report is vital to fulfill its constitutional responsibilities. Congress should be able to disseminate such a report without fearing spurious lawsuits, for the very fear of such lawsuits may shape the manner in which facts are presented. If Congress is limited to official or qualified immunity for public distribution of a report, the committee recognizes that this might serve to insure against reckless public presentation of false facts. Such a benefit, however, can only accrue at the cost of Congress being inhibited in fulfilling its constitutional informing responsibilities.

mittee's work will therefore be minimized. The committee also hopes that the Congress and other committees will carefully consider in the future the nature and scope of congressional investigations in deciding what issues to investigate, how they will be investigated, and in what manner the results of the investigations should be disclosed.

Structure of the Investigation

The investigation was broken into an exploratory phase and a concentrated factfinding phase. During the exploratory phase, primarily prior to December 31, 1977, the committee undertook to master the critical literature that had been written on the issues. The exploratory phase was also used for the purpose of deciding what specific subjects were worthy of further investigation, taking into account such factors as the passage of time since the assassinations were committed. Many issues were scrutinized and given due consideration, but not every possible lead nor every allegation that has been raised concerning these assassinations was investigated by the committee. The committee recognized it had finite time span and limited resources.[4] The committee established priorities among the issues and investigated those which it deemed to be most apt to resolve significant issues of public concern.

The concentrated phase of the investigation spanned the period from January to July 1978. It was based on a detailed investigative plan that entailed a step-by-step process of factfinding. The plans were designed to address the first three questions the committee identified to fulfill its legislative mandate: Who assassinated President Kennedy and Dr. King? Was there a conspiracy in either case? How well did the Federal agencies perform? The plans were also structured to account for the natural interrelationships among the three questions.

The committee was acutely aware of the need for strict security precautions as the investigation proceeded. This was necessary not only because of the classified nature of the material the committee reviewed, but also because the effectiveness of the committee's investigation could have been undermined by premature disclosure of information. Further, the committee recognized that unverified information concerning a person that was prematurely disclosed might unjustly injure the reputation of that person. Accordingly, the committee adopted stringent security procedures, requiring each member of the staff to receive top-secret clearance. As an accommodation to the committee, the FBI conducted background investigations, which were reviewed by the CIA. After consultation with the FBI and CIA, the committee made its own determination on each clearance.

At the same time that the committee was undertaking to assure the integrity of its security system, it was making arrangements with Federal agencies—principally the FBI and CIA—for the review of their materials, many of which were classified. Memoranda of understanding between the committee and the agencies were signed. They established a procedure for how the materials would be handled. The

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[4] For example, the President's Commission on the Assassination of President Kennedy (Warren Commission) came into existence on Nov. 30, 1963 and submitted its final report on Sept. 24, 1964. During that 10-month period, its cost exceeded $10 million, and it used the services of over 400 people.(5) In contrast, the committee came into existence on Sept. 17, 1976, and it submitted its report on Mar. 29, 1979. During that 30-month period, its cost exceeded $5.5 million, and it used the services of over 250 people. (For additional statistics on the committee, see appendix IV *infra*.)

CIA agreement was of particular importance since it provided for access to classified information by members of the committee and its staff on a completely unsanitized basis. No "sources or methods" information would be removed from any material given to the committee. Access on such a basis was unprecedented by any congressional committee.

As it undertook its investigation, the committee was fully aware that the evidence of events that occurred 10 and 15 years in the past would be of varying degrees of quality. The committee recognized that there were three general categories of evidence. First, there was the evidence that would be developed by the scientific projects such as autopsy, ballistics, handwriting, fingerprint, photographic and acoustical analysis. Second, there was documentation that existed in the form of governmental agency files. Third, there was the current recollection of the event by witnesses.

The committee believed that the evidence of potentially the greatest reliability was generally that of science. Government files were of substantial value in pursuing some areas of the investigation, but were of limited use in others because of the particular issue the committee was pursuing or the nature of the file. Finally, the committee recognized that witness testimony was sharply qualified by problems of human perception and memory, as well as bias or motive to lie.

The committee also found that the nature of the evidence for the two assassinations was markedly different. For example, there was a relative abundance of scientific evidence in the Kennedy assassination, as compared with the King assassination. Field investigation by the committee staff consequently assumed a somewhat greater significance in the King case than in the Kennedy case.

The committee subjected the work of the FBI, Secret Service, CIA and other agencies to critical scrutiny. If the investigations conducted in 1963–64 and 1968 were determined to be honest, thorough and competent, the results of those investigations could be used to corroborate and to advance the independent work of the committee with greater confidence in the resolution of issues. But the converse was just as true. If the original investigation was found to be deficient, its conclusions were evaluated accordingly and considered by the committee as having little evidentiary value.

During the next phase of the committee's work—public presentation of the evidence—it held 36 days of public evidentiary hearings from August through December 1978, as well as 2 days of public policy hearings in December. This phase was designed to present in public essential evidence on key issues in each investigation. It was also designed to explore the public policy questions raised by the assassinations.

In its public hearings, the committee received evidence on the issues it had identified to fulfill its legislative mandate. It heard evidence on (1) the facts and circumstances surrounding the deaths of President Kennedy and Dr. King and the connections, if any, between those facts and circumstances and the accused assassins, Lee Harvey Oswald and James Earl Ray; (2) the question of whether there was a conspiracy in either case; and (3) the performances of the various Federal agencies—the FBI, CIA, Secret Service, Warren Commission, and others.

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In its policy meetings in December, the committee heard the testimony of the directors or deputy directors of the FBI, CIA and Secret Service, and the Deputy Attorney General, representing the Department of Justice. These policy hearings explored the appropriateness of the amendment of existing legislation or the enactment of new legislation in light of the evidence that had been received by the committee.

The final phase of the committee's work included the preparation of this report, which presents the committee's analysis and synthesis of the evidence the committee obtained on all four issues the committee deemed necessary to fulfill its mandate. The committee issues this report to fulfill its legislative and informing responsibilities under the Constitution.

President John F. Kennedy and Dr. Martin Luther King, Jr. each embodied aspects of the best characteristics of the American spirit. They sought to elicit from every American attitudes and actions that would make our society achieve its great potential. The committee has attempted, therefore, to conduct its investigations into the assassinations of President Kennedy and Dr. King, and present the results of those investigations, in a thorough and dignified manner in keeping with the memory of these two great leaders.

I. FINDINGS OF THE SELECT COMMITTEE ON ASSASSINATIONS IN THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY IN DALLAS, TEX., NOVEMBER 22, 1963

INTRODUCTION: THE KENNEDY PRESIDENCY IN PERSPECTIVE

John Fitzgerald Kennedy, the 35th President of the United States, was shot to death on November 22, 1963, while riding in a motorcade in Dallas, Tex. Kennedy had represented for many the dawn of a new era of hope. In his account of the Kennedy administration, "A Thousand Days," historian and Kennedy staff member Arthur M. Schlesinger, Jr., wrote:

> * * * [T]here can be no doubt that Kennedy's magic was not alone that of wealth and power and good looks, or even of these things joined to intelligence and will. It was, more than this, the hope that he could redeem American politics by releasing American life from its various bondages to orthodoxy. (*1*)

When the young President died, much of the world grieved. West Berlin Mayor Willy Brandt's words reflected the sense of loss: "A flame went out for all those who had hoped for a just peace and a better world." (*2*) A stunned nation felt deeply the loss of a promising leader. The assassination, wrote historian Christopher Lasch, "helped to dispel the illusion that the United States was somehow exempt from history, a nation uniquely favored and destined * * * to be spared the turmoil and conflict which had always characterized the politics of other countries." (*3*)

PRESIDENTIAL ASSASSINATIONS IN THE UNITED STATES (*4*)

John Fitzgerald Kennedy was the fourth victim of Presidential assassination, preceded by Abraham Lincoln in 1865, James A. Garfield in 1881, and William McKinley in 1901.

The first Presidential assassination occurred within 1 week of the end of the Civil War. President Lincoln was shot by John Wilkes Booth on April 14, 1865, while watching a British comedy, "Our American Cousin," at Ford's Theater in Washington, D.C. He died the following morning. Booth, an actor and Confederate sympathizer, fled Washington immediately after the crime. He reportedly was trapped in a burning barn by Federal troops on April 26, 1865, where he died of a gunshot wound to the head.

A military commission established to try persons accused of complicity in the assassination of President Lincoln found that the murder was part of a conspiracy to kill Lincoln, Vice President Andrew Johnson and Secretary of State William H. Seward. Having lost

heart, George A. Atzerodt did not attack Johnson as planned, but Seward was seriously wounded by Lewis Payne, a former Confederate soldier. As a result of the investigation by the Office of the Judge Advocate General of the U.S. Army, several defendants were accused of conspiring with Confederate President Jefferson Davis and a group of Confederate Commissioners in Canada to murder Lincoln. The accused were Confederate courier John T. Surratt, his mother, Mary E. Surratt, David Herold, a half-wit Confederate sympathizer, and Confederate veterans Samuel Arnold and Michael O'Laughlin. Edward Spangler, a stagehand at Ford's Theater, and Dr. Samuel A. Mudd, a physician who set the leg Booth injured in his escape from the theater, were accused of aiding the assassin's escape. Mrs. Surratt, Herold, Payne, and Atzerodt were found guilty and hanged on July 19, 1865. Three others received life sentences. John Surratt initially fled to Canada and then to Italy, where he joined the Papal Zouaves in Rome under an assumed name. He was captured in November 1866 and returned to the United States to stand trial on charges of complicity in the assassination. He was freed when the trial ended with a hung jury.

Several conspiracy theories emerged after the Lincoln assassination. Surratt's flight to Italy, coupled with the fact that many of Booth's co-conspirators were Roman Catholic, stirred the anti-Catholic sentiments of the "Know-Nothing Movement", which charged that the assassination was part of a Papist plot. Although the military commission ultimately dismissed the contention that the conspirators were in league with Jacob Thompson, head of the Confederate Commission to Canada, under the supervision of Confederate President Jefferson Davis, that theory also persisted. Another contention was advanced by those who opposed the execution of Mrs. Surratt. Suspicious of those in charge of her arrest and prosecution, they believed that Secretary of War Edwin M. Stanton was the real mastermind of the assassination.

In 1866 and 1867, the House of Representatives authorized two separate investigations into the death of President Lincoln. (*5*) Neither finally laid to rest the suspicions around the death of President Lincoln.

President James A. Garfield was shot in the back by Charles J. Guiteau on July 2, 1881, in Washington, D.C. Guiteau, a religious fanatic and would-be officeholder, had been denied access to the White House after he had asked to be appointed U.S. Ambassador to Austria. When Garfield appointed James A. Blaine as Secretary of State, an incensed Guiteau apparently believed that the President had betrayed a faction of the Republican Party.

In the ensuing murder trial, there was no suggestion that the defendant was involved in any conspiracy. Guiteau maintained that he had acted as an agent of God in a political emergency and therefore was not guilty of wrongdoing. Despite a history of mental illness in Guiteau's family, the insanity defense presented by his counsel failed. Guiteau was declared sane, found guilty and hanged before a large crowd. Contrary to events following the Lincoln assassination, no

theories of possible conspiracy surfaced in the wake of Garfield's slaying.

While attending the Pan-American Exposition at Buffalo, N.Y., on September 6, 1901, President William McKinley was shot. He died 8 days later, the victim of assassin Leon F. Czolgosz, a factory worker and anarchist. Although an anarchist group had published a warning about Czolgosz 5 days before McKinley was shot and Czolgosz insisted he had acted alone, many believed that the assassination was the result of an anarchist plot. Czolgosz refused to testify at his own trial which was held 4 days after McKinley's funeral. After 34 minutes of deliberation, the jury found him guilty of murder. Czolgosz did not appeal the verdict, and he was executed in the electric chair.

McKinley's assassination came after a wave of anarchist terrorism in Europe. Between 1894 and 1900, anarchist assassins had killed M. F. Sadi Carnot, President of France; Elizabeth, Empress of Austria; and Humbert I, King of Italy. Following McKinley's death, vigilantes in the United States attacked anarchist communities. Anarchist leaders such as Emma Goldman were arrested. Responding to a plea by the new President, Theodore Roosevelt, Congress passed a series of restrictive measures that limited the activities of anarchists and added alien anarchists to the list of excluded immigrants. Despite a spate of frenzied charges of an anarchist conspiracy, no plot was ever proven, and the theories appeared to collapse shortly after the execution of Czolgosz.

Three Presidents who preceded John F. Kennedy were the targets of attempted assassinations. On January 30, 1835, Richard Lawrence tried to kill President Andrew Jackson on the steps of the U.S. Capitol, but both pistols he carried misfired, and Jackson was not injured. Following the attempt, some of Jackson's supporters charged a Whig conspiracy, but this allegation was never substantiated. Lawrence was found not guilty by reason of insanity and spent the rest of his life in mental institutions.

On February 15, 1933, in Miami, Fla., President-elect Franklin D. Roosevelt was fired upon by Guiseppe Zangara, an unemployed Italian immigrant bricklayer. Zangara missed Roosevelt, but mortally wounded Chicago Mayor Anton Cermak. Zangara was tried, found guilty of murder and executed. No conspiracy was charged in the shooting.

Two Puerto Rican nationalists attacked Blair House, the temporary residence of President Harry S. Truman in Washington, D.C., on November 1, 1950, with the apparent intention of assassinating the President. A White House guard and one of the nationalists, Griselio Torresola, were killed in the ensuing gun battle. The surviving nationalist, Oscar Collazo, explained that the action against Truman had been sparked by news of a revolt in Puerto Rico. He believed the assassination would call the attention of the American people to the appalling economic conditions in his country. The two would-be assassins were acting in league with P. Albuzio Campos, president of the Nationalist Party of Puerto Rico. Truman was not harmed during the assault. Collazo was tried and sentenced to death, but President Truman commuted the sentence to life imprisonment.

A NEW PRESIDENT

In an era when the United States was confronted with intractable, often dangerous, international and domestic issues, the Kennedy administration was inevitably surrounded by controversy as it made policies to deal with the problems it faced. Although a popular President, John F. Kennedy was reviled by some, an enmity inextricably related to his policies. The possibility of nuclear holocaust overshadowed the administration's reshaping of cold war foreign policy as it grappled with Cuba, Berlin, Laos, Vietnam, relations in the Third World and Western Europe, and U.S. military strength. At home, an emerging Black protest movement, persistent unemployment, poverty and urban blight, governmental disorganization, congressional resistance to the President's New Frontier program, and the menace of organized crime were among the problems Kennedy faced. He relied on the counsel of some of the foremost thinkers of his age, as he pursued new approaches in leading the country.

In the summer of 1960, Senator John F. Kennedy won the Democratic Party's nomination for President. In his acceptance speech, he emphasized the challenges of the 1960's and declared that "we stand today on the edge of a 'New Frontier'," a phrase that later became attached to his program. Two days before his election in November, Kennedy pledged, "I am not promising action in the first 100 days alone. I am promising you 1,000 days of exacting Presidential leadership." With the slogan "Let's get this country moving again," he pledged to combat unemployment, the sluggish economy, what he called a missile gap, and the Communist government in Havana. Kennedy defeated the Republican candidate, Richard M. Nixon, by a slim margin of 118,450 out of nearly 69 million votes cast. He was the first Roman Catholic and, at age 43, the youngest man ever elected President.

On a cold January morning in 1961, the new President stood before the Nation that elected him and voiced these memorable words:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty.

No words could have portrayed more aptly the determination of John F. Kennedy as he assumed office as the spokesman for "a new generation of Americans." His mettle yet to be tested, an articulate, confident new President confronted the issues that put him in conflict with forces at home and abroad.

Despite his narrow election victory, Kennedy's popularity was high at the time he took office. The Gallup Poll showed a 69 percent favorable rating. During his term, that popularity fluctuated, and, in the autumn of 1963, it appeared to be in decline. It was concern over that slump and the implications for the 1964 Presidential contest that led, in large part, to Kennedy's decision to make the ill-fated Texas trip in November 1963.

FOREIGN AFFAIRS: A FRAGILE PEACE

The cold war was President Kennedy's foremost concern, as the United States and the Soviet Union stood poised to obliterate each other or to coexist. Kennedy, who emphasized the need for a strong military during his campaign, tacked an additional $4 billion to the defense budget approved by President Dwight D. Eisenhower. To demonstrate that the United States would not retreat from its treaty commitments, his military buildup was the largest in the peacetime history of the country. John Foster Dulles, Secretary of State under Eisenhower, had relied almost exclusively on a rigid foreign policy based on nuclear power and military pacts. Rejecting "massive retaliation" with nuclear arms, Kennedy urged the strengthening of conventional forces and emphasized the need for a flexible, diversified military that would counter the threat posed by Communist guerrilla armies. Nonetheless, he was committed to negotiation and steadfastly pursued a nuclear arms limitation treaty, despite Soviet threats in Cuba, Berlin, Southeast Asia, and elsewhere. Some critics were confused by his call for a strong military while pursuing a nuclear treaty, but Kennedy saw military preparedness as the foundation for achieving peaceful solutions.

Kennedy's first move in United States-Soviet relations was to reply to Soviet Premier Nikita Khrushchev's January 1961 congratulatory note:

> We are ready and anxious to cooperate with all who are prepared to join in genuine dedication to the assurance of a peaceful and more fruitful life for mankind.

The Cuban threat

With Premier Fidel Castro's increasing ties to the Soviet Union, Communist Cuba, just 90 miles from the United States, became an early focal point of Kennedy administration concern. In February 1961, Soviet Deputy Prime Minister Andrei Gromyko visited Cuba to arrange large-scale economic and military assistance. The United States ended formal diplomatic contacts with Cuba shortly after Gromyko's trip.

Soon after taking office, Kennedy learned that since the spring of 1960, the U.S. Government had been training a guerrilla force of anti-Castro Cuban exiles in Florida and Guatemala with the ultimate objective of invading Cuba and overthrowing Castro. Kennedy sanctioned the training and reluctantly allowed the invasion to proceed, but he limited U.S. participation and support.

On April 17, 1961, a force of anti-Castro Cuban refugees attempted to establish a beachhead in Cuba at the Bay of Pigs. The United States had grossly underestimated the popular support for the Castro regime. An anticipated internal uprising never occurred, and Castro's forces defeated the invaders within a few days. President Kennedy accepted "sole responsibility" for the debacle when the United States could no longer disavow its role in the ill-fated expedition. Privately, however, he blamed the CIA and reportedly vowed to "splinter the agency into a thousand pieces."

The Cuban Revolutionary Council, a group of anti-Castro exiles that was to have become the provisional government after Castro's overthrow, was particularly bitter about the Bay of Pigs. Its principal leaders—Antonio Maceo, Justo Carillo, Carlos Heria, Antonio de Varona, Manuel Ray and José Miró Cardona—had formed the Council with the CIA's sanction and had been promised recognition by the U.S. Government. They were outraged by the failure of the United States to support the invasion force. At a meeting with President Kennedy shortly after the invasion, the angry leaders blamed his military advisors for the defeat, but Kennedy replied that he alone was responsible. On the other hand, Kennedy attempted to reassure them, promising that the United States was committed to returning Cuban refugees to their homeland.

A stunning setback for the new administration, the Bay of Pigs defeat resulted in worldwide criticism of the United States, both for its role in the invasion and for its reluctance to back the refugees with sufficient force to allow the expedition to succeed. It also gave Khrushchev the occasion to lecture the new President on international morality and raised questions about Kennedy as a coolheaded leader. While anti-Castro Cuban exiles in the United States believed they had been betrayed by Kennedy and accused him of being a weak leader who was soft on communism, the administration was criticized from the left as a reactionary return to barbarism.

Kennedy traveled to Europe in June and met with Soviet Premier Khrushchev for 12 hours in Vienna, Austria. Nuclear testing, disarmament, and Berlin were discussed, but the leaders reached no agreement. Khrushchev threatened to end four-power control of Berlin by signing a treaty with East Germany that would give it control over access routes to West Berlin. In late June, he told the allies to get out of the city by the end of the year, charging that the air corridors were being used to import spies and saboteurs into East Germany.

On his return to the United States, Kennedy said:

> I made it clear to Mr. Khrushchev that the security of Western Europe, and therefore our own security, are deeply involved in our presence and our access rights to West Berlin; that those rights are based on law and not on sufferance; and that we are determined to maintain those rights at any risk and thus meet our obligation to the people of West Berlin, and their right to choose their own future.

Kennedy responded to Khrushchev's threat with a call for 217,000 more men in uniform. He ordered the draft doubled, tripled if necessary, and requested authority to activate Reserve and National Guard units. With the Soviet determination to eliminate West Berlin and the U.S. commitment to preserve it, the prospect of a third world war was greater than ever. The crisis intensified with the August 1961 construction of a wall that prevented eastern European refugees from entering West Berlin. The United States responded by sending troops and tanks to West Berlin. Western rights remained intact, and the crisis subsided with Khrushchev's decision in late 1961 not to sign a treaty with East Germany. U.S. armored units in Berlin were pulled back in January 1962.

Combating communism in Latin America

Meanwhile, to encourage progressive democracy in the underdeveloped world, the administration embarked on programs of assistance. Peace Corps volunteers brought technical and educational expertise to emerging areas. Promising to "transform the American continent into a vast crucible of revolutionary ideas and efforts," Kennedy determined to wipe out the seedbed of communism in Latin America and contain Communist Cuba by raising the living standards with his Alliance for Progress. He proposed that the Latin American Republics join the United States in a 10-year plan for developing the Americas to satisfy the basic needs of housing, employment, land, health care, and education, thus relieving the economic distress that made the countries vulnerable to Castro-style revolutions. Formed in August 1961, the Alliance for Progress received the enthusiastic support of many Latin Americans, which was evident in the acclaim for Kennedy when he visited Colombia and Venezuela in 1961 and Mexico in 1962. At the Inter-American Conference in January 1962, he said, "I think communism has been isolated in this hemisphere and I think the hemisphere can move toward progress."

The arms race

An escalating arms race and the harmful effects of radioactive contamination from nuclear tests deeply troubled the Kennedy administration. Despite an earlier promise by Khrushchev to join the United States in a no-test policy, the Soviets resumed nuclear tests on August 30, 1961, and exploded 50 devices that fall. Kennedy urged Khrushchev to join with the United States and Great Britain in an agreement banning atmospheric tests. When the Soviet Premier refused, Kennedy ordered resumption of underground tests. In March 1962, after studying Soviet advances, Kennedy reluctantly renewed atmospheric tests with a series of blasts over Christmas Island in the central Pacific. He told a writer it was his fate to "take arms against a sea of troubles and, by opposing, end them."

The missile crisis

Acting on his pledge to defend the Western Hemisphere if it was threatened by Soviet aggression, Kennedy faced the greatest crisis of his brief Presidency in Cuba in October 1962. It was the closest the world had ever come to nuclear war. On October 16, aerial reconnaissance photographs of Cuba appeared to show installation of offensive nuclear missiles. This initial discovery was verified, and on October 20, Kennedy returned abruptly to Washington from a political trip to Chicago on the pretext of a sudden cold. On Monday, October 22, he revealed that the United States had discovered from aerial photographs that the Soviet Union had deployed ballistic missiles and Ilyushin–28 bombers in Cuba. He announced that he had ordered an air-sea quarantine on all offensive weapons bound for Cuba and promised more drastic action if the missiles and bombers were not removed. President Kennedy grimly stated that the United States would intercept any Soviet vessel with arms and that the United States would retaliate if the Soviets attacked any nation in the Western Hemisphere. The U.S. Armed Forces were at combat readiness, on "maximum alert." After a tense 6 days, Khrushchev announced his decision

to dismantle and withdraw offensive weapons from Cuba in return for Kennedy's agreement not to invade Cuba and to lift the blockade. Kennedy received widespread international support during the missile crisis and was later credited with having achieved a turning point in the cold war favorable to the West.

Among anti-Castro Cuban exiles and some rightwing factions in this country, however, there was outrage over Kennedy's decision. Despite his reassurances that the Cubans would be returned to their homeland, he had promised not to invade Cuba. Militant rightwing extremists argued that the United States should have invaded Cuba, removed the Russians and their arms, and toppled Castro.

On December 29, 1962, President Kennedy greeted over 1,000 Cubans who had been captured at the Bay of Pigs and ransomed from Castro's jails by the United States. In a ceremony at the Orange Bowl in Miami, he accepted the brigade's invasion flag and addressed their concerns about the future. The President declared, "I can assure you that this flag will be returned to this brigade in a free Cuba."

Southeast Asia

Abandoning the Eisenhower administration's mistrust of neutral nations, Kennedy pursued a cautious approach in Laos where Communists had captured many of the northern provinces in 1961. In July 1962, the United States was able to get all parties in Laos to agree to a tripartite coalition government and withdrawal of all foreign troops.

In South Vietnam, however, the administration decided to take a stand against Communist-inspired "wars of liberation." U.S. involvement dated back to 1956, when the Eisenhower administration backed the decision of the South Vietnamese Government to postpone elections there because Communist victory appeared imminent. The United States was pledged to support the pro-American regime of Ngo Dinh Diem in the fear that if one Southeast Asian nation fell to the Communists, others would soon follow. Kennedy continued that policy, although with growing reluctance by 1963.

In 1961, Viet Cong guerrillas backed by Ho Chi Minh of North Vietnam attacked South Vietnamese troops, murdered officials, and placed the Diem regime in jeopardy. Kennedy responded initially by sending more than 4,000 military advisers to South Vietnam and, over the following months, U.S. participation grew steadily. In his move away from the "all or nothing" nuclear arsenal strategy of the 1950's, Kennedy emphasized a varied military capability to meet the jungle warfare tactics of the enemy in countries such as Vietnam. He also directed economic aid to Southeast Asia to meet the Communist threat there. In November 1962, Secretary of Defense Robert McNamara announced that the United States was winning the war in South Vietnam.

When the Chinese invaded northern India in 1962, Kennedy authorized an airlift of arms to halt the Chinese Communist advance.

Pledge to defend Europe

To some critics, Kennedy's foreign policy, combining military bluster with negotiation, appeared vacillating and self-defeating. Their misgivings seemed to be confirmed by actions of some traditional allies of the United States. President Charles de Gaulle of France, for example, insisted on a defense capability independent of the United

States and refused to sign any nuclear arms limitation treaty, thus threatening the cohesiveness of the North Atlantic Treaty Organization. In addition, Kennedy's acceptance of the principle of neutrality, manifested by the Laos agreement, was criticized by some who believed countries were either American friends or enemies.

Kennedy reasserted his pledge to defend Western Europe during a trip there in June 1963. "The United States will risk its cities to defend yours," he assured the West Germans, who feared a pullout of U.S. troops. In a speech to an enthusiastic West Berlin crowd, Kennedy described himself as a "Berliner," saying that "all free men, wherever they may live, are citizens of Berlin."

Cold war thaw

Uneasiness over Cuba continued in 1963. The Soviet presence was symbolized by an attack of a Cuban Air Force MIG fighter on an American shrimp boat in March 1963. Some 17,000 Russian troops still occupied the island nation, and 500 antiaircraft missiles plus a large supply of other Soviet armaments were emplaced there.

Yet, with Kennedy's foreign policy emphasis on gradual progress, a thaw in the cold war was perceptible. In a major policy address on June 10, 1963, at American University in Washington, D.C., Kennedy proposed a "strategy of peace" to lead the United States and Soviet Union out of the "vicious and dangerous cycles" of the cold war.

> Let us focus on a peace based not on a sudden revolution in human nature but on a gradual evolution of human institutions.

He announced that the United States, Great Britain, and the Soviet Union would begin work on a treaty to outlaw nuclear tests.

A major accomplishment of the Kennedy administration, the nuclear test ban treaty, was signed in Moscow on August 5, 1963, and ratified by the U.S. Senate in September. This limited treaty, prohibiting atmospheric testing of nuclear weapons, represented the first limitation of arms expansion since the beginning of the cold war in 1945. The administration had hoped, however, for a more comprehensive agreement. Underground testing was not covered because of Soviet resistance to onsite inspection, and China and France refused to sign the treaty.

Although praised by many as a step toward peace, the treaty had its detractors. Air Force Gen. Thomas D. White described it as "next to unilateral disarmament," while scientist Edward Teller called for resumption of atmospheric testing to maintain American nuclear supremacy.

In October, the United States, Great Britain, and the Soviet Union agreed to refrain from using nuclear weapons in outer space.

Growing involvement in Vietnam

The Vietnam conflict intensified and U.S. involvement expanded steadily, although Kennedy refused to make any major increases in support. By October 1963, the United States had 16,000 troops in South Vietnam. As U.S. helicopters flew combat support missions and U.S. planes strafed enemy lines, U.S. advisers radically altered life there with the strategic hamlet resettlement program, an effort to concen-

trate the population in various areas. Some Americans criticized this involvement in support of the Diem dictatorship. At the insistence of his brother, Ngo Dinh Nhu, the Roman Catholic Diem had instituted a number of repressive measures against the country's Buddhists, who made up 70 percent of the population. His troops attacked pagodas, and Buddhists were jailed. The self-immolation of protesting Buddhist monks dramatically called into question the American role in Vietnam.

By threatening withdrawal of economic support, the United States sought to persuade the Diem government to change its brutal policies. Diem resisted, denying that the Buddhists were being persecuted and charging that, in fact, they were aiding the Communists by demanding a change of government. U.S. advisers warned that Diem's unpopular regime imperiled the battle against the Viet Cong.

On November 1, 1963, Diem and his brother, Nhu, were killed in a military coup. The United States quickly recognized the new government.

Détente

Kennedy's willingness to negotiate with the Russians, combined with a Sino-Soviet split, eased East-West tension and sparked optimism about the prospects for world peace. Other moves indicating Soviet-American détente and peaceful coexistence included installation of a "hot line" emergency telephone system from Washington to Moscow in the summer of 1963, approval of the sale of 4 million tons of surplus wheat to the Soviet Union, and initiation of cultural exchange programs. Kennedy also made overtures to Castro concerning normalization of relations, a move that enraged anti-Castro exiles in the United States. His steps away from dangerous nuclear diplomacy were praised by many, but some doubted that Kennedy's policy would contain communism and insure the strength of the United States.

AT HOME: A TROUBLED LAND

President Kennedy's New Frontier domestic program was not readily accepted. The administration's relations with Congress, dominated as it was by a conservative bloc of Republicans and southern Democrats, were difficult. Kennedy's major proposals—aid to education, medical care for the elderly and the creation of a Department of Urban Affairs—were rejected. Although measures were adopted to increase Federal aid to depressed areas, to increase and expand the minimum wage, and to increase social security benefits, the administration failed to persuade Congress to enact the widespread social legislation it sought.

Civil rights progress

The administration's most dramatic accomplishments were in the area of civil rights, though the President did not live to see the passage of the comprehensive legislation he proposed, the most far-reaching since Reconstruction. Kennedy appointed Blacks to high administration posts and to Federal judgeships. He gave Attorney General Robert F. Kennedy his sanction for vigorous enforcement of civil

rights laws to extend voting rights, end segregation and fight racial discrimination. Attorney General Kennedy expanded the Civil Rights Division of the Department of Justice, and President Kennedy issued a strongly worded Executive order against discrimination in employment that established a Committee on Equal Employment Opportunity headed by Vice President Johnson. Kennedy's civil rights program, however, increasingly alienated southerners and conservatives.

Violence erupted soon after Kennedy took office. In May 1961, the Congress of Racial Equality staged a series of freedom rides in Alabama in an effort to integrate buses and terminals. One bus was burned by a mob in Anniston, Ala. An angry segregationist crowd attacked demonstrators in Montgomery, Ala., and several persons were injured. Attorney General Kennedy ordered several hundred U.S. marshals to Montgomery to protect the demonstrators. National Guardsmen with fixed bayonets scattered a mob that tried to overwhelm the marshals, who were protecting a mass meeting at a Black church where civil rights leader Martin Luther King, Jr., was speaking.

Sparked by the vicious treatment of the nonviolent demonstrators, protests continued in Mississippi. The Attorney General petitioned the Interstate Commerce Commission, and in September 1961, the ICC adopted rules banning segregation on interstate buses and in terminals.

Trouble exploded again in 1962 when James Meredith, a 29-year-old Black Air Force veteran, gained admission to the all-white University of Mississippi. Meredith had been refused admission, despite Federal court orders requiring that he be enrolled. The Kennedy administration supported an effort to force compliance by the State, but Governor Ross Barnett was equally determined to defy the orders. In his fourth attempt to enroll at the university, Meredith arrived in Oxford on September 30, escorted by 300 U.S. marshals. He was met by a mob of 2,500 students and segregationist extremists who howled, "Two-four-one-three, we hate Kennedy." The hecklers attacked the marshals with bricks and bottles. The marshals responded with tear gas. A bloody night-long riot that left two dead and scores injured quelled only after Federal troops had been dispatched by President Kennedy. Meredith registered the next day and began classes with the protection of marshals, who remained with him until his graduation in August 1963.

Urging the need for legislation in a February 28, 1963, address to Congress on civil rights, President Kennedy attacked the scourge of racial discrimination:

> Race discrimination hampers our economic growth by preventing the maximum development and utilization of our manpower. It hampers our world leadership by contradicting at home the message we preach abroad. It mars the atmosphere of a united and classless society in which this Nation rose to greatness. It increases the costs of public welfare, crime, delinquency and disorder. Above all, it is wrong. Therefore, let it be clear, in our own hearts and minds, that it is not merely because of the economic waste of discrimination, that we are committed to achieving true equality of opportunity. The basic reason is because it is right.

Although the administration's civil rights policies generated the dogged opposition of segregationists in the South, Black leaders criticized the President for not pursuing change even more forcefully. Dr. King said:

> This administration has outstepped all previous ones in the breadth of its civil rights activity. Yet the movement, instead of breaking out into the open plains of progress, remains constricted and confirmed. A sweeping revolutionary force is pressed into a narrow tunnel.(7)

Blacks continued demonstrations for equal rights in the spring of 1963. In April and May, Dr. King led an attack on what he called "the most segregated city in the United States," Birmingham, Ala. Demonstrators were met by police dogs, electric cattle prods and fire hoses. The brutal response to the nonviolent protestors led to worldwide outrage. Black leaders and Birmingham community leaders ultimately reached a compromise agreement to integrate public facilities. Birmingham became a rallying cry for the civil rights movement across the Nation. Over 700 demonstrations swept the South that summer, and northern public opinion increasingly supported the protestors.

In June 1963, Alabama Governor George Wallace, in defiance of a Federal court order, stood on the steps of the University of Alabama to prevent the admission of two Black students. Wallace bowed, however, to National Guard troops that had been federalized by the President. The Black students entered the university. In the same month, Medgar Evers, the NAACP field secretary for Mississippi, was shot to death in front of his home in Jackson, Miss.

The turbulence sparked President Kennedy's special message to Congress in June 1963, in which he asked the legislators to help end "rancor, violence, disunity and national shame" by pushing what was described as the most sweeping civil rights legislation since Reconstruction. The bill would, among other things, guarantee access to public accommodations and the right to vote. "We are confronted primarily with the moral issue," Kennedy said. He warned that Federal inaction would mean continued racial strife, declaring, "The fires of frustration and discord will burn in every city, North and South, where legal remedies are not at hand."

On August 28, 1963, an interracial group of more than 200,000 persons joined "The March for Jobs and Freedom" in Washington, D.C., to urge the Congress to pass the comprehensive civil rights legislation the Kennedy administration envisioned. Violence shattered the hopeful mood in the wake of the Washington march when a bomb exploded on September 17 at the Sixteenth Street Baptist Church in Birmingham, Ala. during a Sunday School session. Four young Black girls were killed and 23 other persons were injured. Despite the national unrest, Congress did not rush to pass the civil rights bill.

Economic policies

Kennedy's Keynesian, New Deal economic policies brought him into conflict with business. For example, he advocated deficit spending at a time of economic growth in an attempt to overcome persistent high

unemployment. He also proposed costly welfare programs to improve the plight of the Nation's poor and issued voluntary wage-price guidelines that he was determined to enforce.

As the Kennedy administration grappled with thorny economic issues—persistent unemployment, recession—a steel price hike set the stage for the most dramatic economic crisis of Kennedy's term. In March 1962, the administration persuaded the United Steel Workers Union to accept a contract he called "noninflationary" in the belief that such an agreement would ameliorate the recession by preventing a rise in prices. A few days later, however, the U.S. Steel Corp. announced an increase of 3.5 percent, or $6 per ton, and most other steel companies followed suit. Kennedy commented, "My father always told me all businessmen are sons-of-bitches, but I never believed it until now." (*8*) In the 3 days that followed the increase, four antitrust investigations of the steel industry were initiated, a bill to roll back the price increase was considered, wage and price controls were discussed and the Department of Defense began to divert purchases away from U.S. Steel. Kennedy denounced the increase as "wholly unjustifiable and irresponsible defiance of the public interest," and said the steel industry had shown its "utter contempt for their fellow citizens." U.S. Steel finally rescinded the price increase when several other steel companies said they would hold the price line. Despite the President's assurance after the steel crisis subsided that "this administration harbors no ill will against any individual, any industry, corporation, or segment of the American economy," business leaders complained about Government interference and hostility.

Government reform

Kennedy was also concerned about the autonomy of Federal agencies and reorganization of the Federal bureaucracy. He saw a need for greater control over the Central Intelligence Agency after the Bay of Pigs fiasco. Its independent role in the Southeast Asian conflict and in Cuba particularly troubled him. The CIA's budget was twice that of the State Department, its staff had doubled in the 1950's, and, it was said by its critics, in some Embassies it had more personnel than the State Department. Kennedy replaced Director Allen Dulles with John McCone, cut the Agency's budget, and assigned Robert Kennedy as Agency watchdog.

Kennedy's relations with Federal Bureau of Investigation Director J. Edgar Hoover were cool. In an attempt to bridle the independent Hoover, the administration insisted that the facts reflect the law that the FBI was under the Department of Justice and that the Department was led by the Attorney General. Attorney General Robert Kennedy also compelled a reluctant Hoover to investigate civil rights and organized crime cases.

War on organized crime

The Kennedy administration made an unprecedented effort to fight the insidious menace of organized crime. The President had first encountered the problem when he became a member of the Senate Select Committee on Labor Racketeering. Robert Kennedy was chief counsel of the committee, and later, as Attorney General, he became the President's surrogate in a campaign against the underworld.

Dramatic developments in the war on organized crime had occurred just before Kennedy came to the White House. A roundup of hoodlums in Apalachin, N.Y., in 1957, followed by an abortive prosecution of many of the leaders, demonstrated the impotence of Federal enforcement. The Senate testimony of Mafia member Joseph Valachi in 1963 became the catalyst for a renewed effort to strengthen Federal criminal laws that could be used to control the threat of organized crime.

The zeal of the Kennedy brothers signified the roughest period for organized crime in Department of Justice history. Historian Arthur Schlesinger, Jr., wrote in "Robert Kennedy and His Times" that, as a result of the Attorney General's pressure, "the national Government took on organized crime as it had never done before." (*9*) Schlesinger observed:

> In New York, Robert Morgenthau, the Federal attorney, successfully prosecuted one syndicate leader after another. The Patriarca gang in Rhode Island and the De Cavalcante gang in New Jersey were smashed. Convictions of racketeers by the Organized Crime Section and the Tax Division steadily increased—96 in 1961, 101 in 1962, 373 in 1963. So long as John Kennedy sat in the White House, giving his Attorney General absolute backing, the underworld knew that the heat was on. (*10*)

The Attorney General focused on targets he had become acquainted with as counsel for the Rackets Committee. He was particularly concerned about the alliance of the top labor leaders and racketeers as personified by Teamster President James R. Hoffa. Schlesinger wrote that "the pursuit of Hoffa was an aspect of the war against organized crime." (*11*) He added:

> The relations between the Teamsters and the syndicates continued to grow. The FBI electronic microphone, planted from 1961 to 1964 in the office of Anthony Giacalone, a Detroit hood, revealed Hoffa's deep if wary involvement with the local mob. For national purposes a meeting place was the Rancho La Costa Country Club near San Clemente, Calif., built with $27 million in loans from the Teamsters' pension fund; its proprietor, Morris B. Dalitz, had emerged from the Detroit [sic. Cleveland] underworld to become a Las Vegas and Havana gambling figure. Here the Teamsters and the mob golfed and drank together. Here they no doubt reflected that, as long as John Kennedy was President, Robert Kennedy would be unassailable. (*12*)

As with the Civil Rights Division, Robert Kennedy expanded the Organized Crime Division at Justice. As a result of information collected by the FBI, syndicate operations were seriously disrupted in some cases, and leading organized crime figures were concerned about the future.

Opposition from the far right

As the policies of the Kennedy administration broke new ground, political extremists in the United States seemed increasingly willing

to resort to violence to achieve their goals. In an address at the University of Washington in Seattle on November 16, 1961, President Kennedy discussed the age of extremism: two groups of frustrated citizens, one urging surrender and the other urging war. He said:

> It is a curious fact that each of these extreme opposites resembles the other. Each believes that we have only two choices: appeasement or war, suicide or surrender, humiliation or holocaust, to be either Red or dead.

The radical right condemned Kennedy for his "big Government" policies, as well as his concern with social welfare and civil rights progress. The ultraconservative John Birch Society, Christian Anti-Communist Crusade led by Fred C. Schwarz, and the Christian Crusade led by Rev. Billy James Hargis attracted an anti-Kennedy following. The right wing was incensed by Kennedy's transfer of Gen. Edwin A. Walker from his command in West Germany to Hawaii for distributing right-wing literature to his troops. The paramilitary Minutemen condemned the administration as "soft on communism" and adopted guerrilla warfare tactics to prepare for the fight against the Communist foe. At the other extreme, the left labeled Kennedy a reactionary disappointment, a tool of the "power elite."

President Kennedy saw the danger of a politically polarized society and spoke against extremist solutions, urging reason in an ordered society. In the text of the speech he had planned to deliver in Dallas on November 22, 1963, he wrote:

> Today * * * voices are heard in the land—voices preaching doctrines wholly unrelated to reality, wholly unsuited to the sixties, doctrines which apparently assume that words will suffice without weapons, that vituperation is as good as victory and that peace is a sign of weakness.

NOVEMBER 1963: A TRIP TO TEXAS (*13*)

At the beginning, John F. Kennedy had been an extremely popular President. His ratings, ironically, were highest in the aftermath of the April 1961 Bay of Pigs invasion, when he received a remarkable 83 percent approval rating in the Gallup Poll. But by the fall of 1963, he had slipped to 59 percent, and he became concerned about the political implications. In October, Newsweek magazine reported that the civil rights issue alone had cost Kennedy 3.5 million votes, adding that no Democrat in the White House had ever been so disliked in the South. In Georgia, the marquee of a movie theater showing *PT 109* read, "See how the Japs almost got Kennedy" (*14*)

An inveterate traveler, Kennedy interspersed his diplomatic missions abroad with trips around the country. He made 83 trips in 1963. In June he visited Germany, Ireland and Italy; later in the summer he toured the western United States—North Dakota, Wyoming, Montana, Washington, Utah, Oregon, Nevada and California—to gain support for his legislative program.

Not only did Kennedy enjoy traveling, but he almost recklessly resisted the protective measures the Secret Service urged him to adopt. He would not allow blaring sirens, and only once—in Chicago in November 1963—did he permit his limousine to be flanked by motor-

cycle police officers. He told the special agent in charge of the White House detail that he did not want agents to ride on the rear of his car.

Kennedy was philosophical about danger. According to Arthur M. Schlesinger, "A Thousand Days," Kennedy believed assassination was a risk inherent in a democratic society. In 1953, Schlesinger recounted, then-Senator Kennedy read his favorite poem to his new bride, Jacqueline Bouvier Kennedy. It was "I have a Rendezvous with Death," by Alan Seeger.(*15*)

> It may be he shall take my hand
> And lead me into his dark land
> And close my eyes and quench my breath . . .
>
> But I've a rendezvous with Death
> At midnight in some flaming town,
> When Spring trips north again this year,
> And I to my pledged word am true,
> I shall not fail that rendezvous.

During the November 1963 Texas trip he told a special White House assistant:

> * * * if anybody really wanted to shoot the President * * * it was not a very difficult job—all one had to do was get on a high building someday with a telescopic rifle, and there was nothing anybody could do to defend against such an attempt.

Kennedy had decided to visit the South to bolster his image in that region. He chose to visit Florida because it had voted Republican in 1960, and Texas because it only had been saved by Lyndon Johnson by an extremely slim margin. According to Texas Governor John B. Connally, Kennedy first mentioned a political trip to Texas in the summer of 1962 when Connally, a former Secretary of the Navy, was running for Governor. Kennedy broached the idea to Connally again the following summer.

Despite some obvious political reasons for a Texas visit, some members of Kennedy's staff opposed it because the State was not favorably disposed to the President. From 1961 to 1962, the Secret Service had received 34 threats on the President's life from Texas. Political embarrassment seemed a certainty. The decision to travel to Dallas was even more puzzling. Many perceived Dallas as a violent, hysterical center of right-wing fanaticism. There, in 1960, then-Texas Senator Lyndon B. Johnson had been heckled and spat upon. In October 1963, just a month before the President's scheduled visit, Ambassador to the United Nations Adlai Stevenson was jeered, hit with a placard and spat upon. Byron Skelton, the National Democratic Committeeman from Texas, wrote Attorney General Robert Kennedy about his concern for President Kennedy's safety and urged him to dissuade his brother from going to Texas.

There are several probable explanations for the decision to visit Dallas. Kennedy was to visit four other cities—San Antonio, Houston, Austin and Fort Worth—and it was feared that ignoring Dallas would harm his image in Texas. Kennedy also was anxious to win

over business, and Dallas was the place to address business leaders in Texas. As a result of his economic policies, particularly the rollback of steel prices, Kennedy believed he was perceived as hostile to business. Before the November Texas trip, he shared his concern with Governor Connally:

> If these people are silly enough to think that I am going to dismantle this free enterprise system, they are crazy.

All the other trips that summer and fall, including the visit to Florida, had been successful. In his testimony before this committee, Governor Connally explained that he believed that Texas was a State crucial to a Kennedy victory in 1964, and contended that Kennedy came to Texas for two reasons: to raise money and to enhance his own political prospects in Texas.

Word of the trip to Texas first appeared in the Dallas papers on September 13, and Kennedy's itinerary for Texas was announced by Governor Connally on November 1. The President was scheduled to address a luncheon of business leaders at the Trade Mart in Dallas on November 22. He decided to travel into the city in a motorcade that was to follow the normal Dallas parade route. Kennedy liked motorcades, for they afforded an opportunity to get close to the people, and he made a special point of arranging one in Dallas because he believed it would be his one chance that day to greet workers and minorities. The final motorcade route through Dealey Plaza in downtown Dallas was selected on November 15.

In 1963, the Secret Service had identified six categories of persons who posed a threat to the President: right-wing extremists, left-wing extremists, Cubans, Puerto Ricans, Black militants, and a miscellaneous category that included mental patients. It identified two cities as particularly threatening—Miami and Chicago. Dallas was considered a potential source of political embarrassment. Prior to the trip to Dallas, the Secret Service had not uncovered any serious threats there, and no extensive investigation was conducted in the city.

Beginning a week before the trip, defamatory posters and leaflets excoriating the President appeared throughout Dallas. Some carried Kennedy's picture with the caption, "Wanted for Treason: This Man Is Wanted for Treasonous Activities Against the United States." It was suggested the President's Dallas parade route should not be published, but at the urging of Kennedy's staff, it appeared in the Dallas newspapers on November 18 and 19.

The President and Mrs. Kennedy traveled to Texas on November 21. That day, Kennedy visited San Antonio and Houston, where he was warmly greeted by enthusiastic crowds. He flew to Fort Worth that evening.

One of the President's first acts on the morning of November 22 was to call the woman who had arranged the accommodations that he and the First Lady occupied at Fort Worth's Texas Hotel. She had hung the walls with original paintings by modern masters such as Vincent Van Gogh and Claude Monet, and the special effort of the citizens of Fort Worth greatly impressed the Kennedys. That rainy morning, the President addressed the Fort Worth Chamber of Commerce. The speech was well received and, as Governor Connally recounted, it was

laced with fun. Later in the morning, after a query from Dallas, the President said that if the weather was clear, he did not want the protective bubble used on the Presidential limousine.

The President and his entourage took off for Dallas at approximately 11:20 a.m. While the Presidential plane, Air Force One, was airborne, the President looked out the window and remarked to the Governor with a smile, "Our luck is holding. It looks as if we'll get sunshine." A clear sky, brilliant sunshine, 68-degree temperature—a marvelous autumn day—provided the backdrop for the President and Mrs. Kennedy as they arrived at Love Field in Dallas. The First Lady was presented with a bouquet of roses, and the couple attended a reception held in their honor at the airport by the community leaders of Dallas. After greeting them, the President moved to shake hands with the enthusiastic crowd which, according to some estimates, may have numbered 4,000 persons. For a few minutes, the President and the First Lady walked along the security barrier, greeting people. Then they joined Governor and Mrs. Connally in the Presidential limousine. Two Secret Service agents, one the driver, sat in front. The President and his wife sat in the rear seat, with the President on the right, in keeping with military protocol, as Commander in Chief of the Armed Forces. Governor Connally sat on a jump seat directly in front of the President, with his back to Kennedy, and Mrs. Connally occupied the left jump seat. Two cars with members of the Dallas Police Department, including Chief Jesse Curry, and Secret Service agents, preceded the Presidential limousine. Behind, a followup car carried Secret Service agents and members of the White House staff. To the rear of that car, the Vice President and Mrs. Johnson and Senator Ralph Yarborough rode in another limousine. Next came the Vice President's followup car, and then a long line of limousines, trucks and various vehicles containing Members of Congress and other dignitaries, photographers, the President's physician, and members of the White House staff and the press.

The motorcade left Love Field at about 11:50 p.m. Governor Connally recalled he was worried, not about violence, but about the possibility that some incident might occur that would embarrass the President and disrupt the atmosphere of confidence that had been building throughout the trip. That morning, a hostile full-page advertisement, sponsored by the "America-thinking Citizens of Dallas," had appeared in the pages of the Dallas Morning News. It charged, among other things, that Kennedy had ignored the Constitution, scrapped the Monroe Doctrine in favor of the "Spirit of Moscow," and had been "soft on Communists, fellow-travelers, and ultra-leftists in America." The Governor was apprehensive that there might be unfriendly demonstrations during the motorcade or that the crowd's mood would be indifferent or even sullen.

The Governor's concern subsided as the motorcade passed through the outskirts of Dallas and neared the center of the city. The crowds grew larger and they were unmistakably friendly, with people smiling, waving, and calling the President's name. In Connally's words,

> The further we got toward town, the denser became the crowds, and when we got down on Main Street, the crowds were extremely thick. They were pushed off of curbs; they were out in the street, and they were backed all the way up

> against the walls of the buildings. They were just as thick as they could be. I don't know how many. But, there were at least a quarter of a million people on the parade route that day and everywhere the reception was good.

Governor Connally noticed that Mrs. Kennedy, who had appeared apprehensive the previous day, was more relaxed and enjoyed the Dallas crowd. The only hostile act he remembered was a heckler with a placard that read "Kennedy Go Home." The President noticed the sign, and asked Governor and Mrs. Connally if they had seen it. Connally said, "Yes, but we were hoping you didn't."

"Well, I saw it. Don't you imagine he's a nice fellow?" Kennedy asked.

The Governor said, "Yes, I imagine he's a nice fellow."

Connally's fear of an embarrassing incident seemed to be unfounded. He recalled:

> The crowds were larger than I had anticipated. They were more enthusiastic than I could ever have hoped for.

This enthusiasm was apparent in a number of incidents. A little girl held up a sign with the request, "President Kennedy, will you shake hands with me?" The President noticed the sign, had the car stopped and shook hands with the little girl. The car was mobbed by an admiring crowd that was only separated from the Presidential limousine by Secret Service agents. At another stop, as the motorcade approached downtown Dallas, the President caught sight of a Roman Catholic nun with a group of schoolchildren. He stopped and spoke with the group. Several times enthusiastic onlookers broke away from the curbside throng and attempted to reach the limousine. Secret Service agents cleared the admirers from the street.

The crowds grew thicker as the Presidential parade approached downtown. The motorcade followed the traditional Dallas parade route into the downtown business district, turning onto Main Street, which brought it through the center of the Dallas commercial district. It moved westward along Main toward Dealey Plaza. People crowded the sidewalks, surged into the street and waved from office building windows. The motorcade tunneled through the throng. The Governor later remarked that the business community, the group Kennedy sought to impress, would have to be affected by this remarkable reception. Connally said "* * * the trip had been absolutely wonderful, and we were heaving a sigh of relief because once we got through the motorcade at Dallas and through the Dallas luncheon, then everything else was pretty much routine."

President Kennedy was clearly delighted by his Dallas welcome.

At the corner of Main and Houston, the motorcade made a sharp 90-degree turn to the right and headed north for one block, toward the Texas School Book Depository. As the limousine approached Houston and Elm, Mrs. Connally, elated by the reception, said, "Mr. President, you can't say Dallas doesn't love you." "That's obvious," the President replied.

At Elm Street, the limousine made a hairpin turn to the left and headed west, passing the book depository.

At about 12:30 p.m., as the President waved to the crowds, shots rang out.

Mrs. Connally heard a noise, turned to her right, and saw the President clutch his neck with both hands, then slump down in the seat. Governor Connally immediately thought the noise was a rifle shot. He turned from his straight-backed jump seat in an attempt to catch sight of the President because he feared an assassination attempt. The Governor described the scene:

> I never looked, I never made the full turn. About the time I turned back where I was facing more or less straight ahead, the way the car was moving, I was hit. I was knocked over, just doubled over by the force of the bullet. It went in my back and came out my chest about 2 inches below and to the left of my right nipple. The force of the bullet drove my body over almost double, and when I looked, immediately I could see I was drenched with blood. So, I knew I had been badly hit and I more or less straightened up. At about this time, Nellie [Mrs. Connally] reached over and pulled me down into her lap.
>
> I was in her lap facing forward when another shot was fired * * * I did not hear the shot that hit me. I wasn't conscious of it. I am sure I heard it, but I was not conscious of it at all. I heard another shot. I heard it hit. It hit with a very pronounced impact * * * it made a very, very strong sound.
>
> Immediately, I could see blood and brain tissue all over the interior of the car and all over our clothes. We were both covered with brain tissue, and there were pieces of brain tissue as big as your little finger * * *
>
> * * * * * * *
>
> When I was hit, or shortly before I was hit—no, I guess it was after I was hit—I said first, just almost in despair, I said, "no, no, no," just thinking how tragic it was that we had gone through this 24 hours, it had all been so wonderful and so beautifully executed.
>
> The President had been so marvelously received and then here, at the last moment, this great tragedy. I just said, "no, no, no, no." Then I said right after I was hit, I said, "My God, they are going to kill us all."

Mrs. Connally initially thought the Governor was dead as he fell into her lap. She did not look back after her husband was hit, but heard Mrs. Kennedy say, "They have shot my husband." After one shot, Mrs. Connally recalled, the President's wife said, "They have killed my husband. I have his brains in my hand."

Roy Kellerman, the Secret Service agent in the right front seat, said, "Let's get out of here fast." Bill Geer, the driver, accelerated tremendously. "So we pulled out of the motorcade," Mrs. Connally recalled, "and we must have been a horrible sight flying down the freeway with those dying men in our arms."

She added, "There was no screaming in that horrible car. It was just a silent, terrible drive."

The wounded President and Governor were rushed to Parkland Hospital.

At 1 p.m., the 35th President of the United States was pronounced dead, 1,037 days after his term had begun.

A. Lee Harvey Oswald Fired Three Shots at President John F. Kennedy; the Second and Third Shots He Fired Struck the President; the Third Shot He Fired Killed the President

1. PRESIDENT KENNEDY WAS STRUCK BY TWO RIFLE SHOTS FIRED FROM BEHIND HIM

The President's Commission on the Assassination of President Kennedy (Warren Commission) concluded that President Kennedy was struck by two bullets that were fired from above and behind him.(*1*) According to the Commission, one bullet hit the President near the base of the back of the neck, slightly to the right of the spine, and exited from the front of the neck. The other entered the right rear of the President's head and exited from the right side of the head, causing a large wound.(*2*)

The Commission based its findings primarily upon the testimony of the doctors who had treated the President at Parkland Memorial Hospital in Dallas and the doctors who performed the autopsy on the President at the Naval Medical Center in Bethesda, Md.(*3*)

In forming this conclusion, neither the members of the Warren Commission, nor its staff, nor the doctors who had performed the autopsy, took advantage of the X-rays and photographs of the President that were taken during the course of the autopsy.(*4*) The reason for the failure of the Warren Commission to examine these primary materials is that there was a commitment to make public all evidence examined by the Commission.(*5*) The Commission was concerned that publication of the autopsy X-rays and photographs would be an invasion of the privacy of the Kennedy family.(*6*) The Commission's decision to rely solely on the testimony of the doctors precluded the possibility that the Commission might make use of a review of the autopsy evidence by independent medical experts to determine if they concurred with the findings of the doctors at Parkland and Bethesda.

A determination of the number and location of the President's wounds was critical to resolving the question of whether there was more than one assassin. The secrecy that surrounded the autopsy proceedings, therefore, has led to considerable skepticism toward the Commission's findings. Concern has been expressed that authorities were less than candid, since the Navy doctor in charge of the autopsy conducted at Bethesda Naval Hospital destroyed his notes, and the Warren Commission decided to forego an opportunity to view the X-rays and photographs or to permit anyone else to inspect them.

The skepticism has been reinforced by a film taken of the Presidential motorcade at the moment of the assassination by an amateur movie photographer, Abraham Zapruder. In the Zapruder film, the President's head is apparently thrown backward as the front right side of the skull appears to explode, suggesting to critics of the Warren Commission's findings that the President was struck by a bullet that entered the front of the head.(*7*) Such a bullet, it has been argued, was fired

by a gunman positioned on the grassy knoll, a park-like area to the right and to the front of where the moving limousine was located at the instant of the fatal shot.(*8*)

Since the Warren Commission completed its investigation, two other Government panels have subjected the X-rays and photographs taken during the autopsy on President Kennedy to examination by independent medical experts. A team of forensic pathologists appointed by Attorney General Ramsey Clark in 1968,(*9*) and a panel retained by the Commission on CIA Activities Within the United States (Rockefeller Commission) in 1975,(*10*) reached the same basic conclusion: the President was struck by two bullets from behind. But neither panel published the X-rays and photographs, nor did either explain the basis of its conclusions in a public hearing. Consequently, neither panel was able to relieve significantly doubts that have persisted over the years about the nature and location of the President's wounds.

(*a*) *Reliance on scientific analysis*

The committee believed from the beginning of its investigation that the most reliable evidence upon which it could base determinations as to what happened in Dealey Plaza on November 22, 1963, was an analysis of hard scientific data. Accordingly, the committee contracted with leading independent experts in the fields of forensic pathology, ballistics, photography, acoustics, neutron activation analysis and other disciplines. The reports submitted by these experts were fully considered by the committee in formulating its findings.

(1) *The medical evidence.*—The committee's forensic pathology panel was composed of nine members, eight of whom were chief medical examiners in major local jurisdictions in the United States.(*11*) As a group, they had been responsible for more than 100,000 autopsies, (*12*) an accumulation of experience the committee deemed invaluable in the evaluation of the medical evidence—including the autopsy X-rays and photographs—to determine the cause of death of the President and the nature and location of his wounds. The panel was also asked to recommend guidelines in the event of a future assassination of a President or other high Federal official.(*13*)

The committee also employed experts to authenticate the autopsy materials. Neither the Clark Panel nor the Rockefeller Commission undertook to determine if the X-rays and photographs were, in fact, authentic. The committee, in light of the numerous issues that had arisen over the years with respect to autopsy X-rays and photographs, believed authentication to be a crucial step in the investigation.(*14*)

The authentication of the autopsy X-rays and photographs was accomplished by the committee with the assistance of its photographic evidence panel as well as forensic dentists, forensic anthropologists and radiologists working for the committee.(*15*) Two questions were put to these experts:

> Could the photographs and X-rays stored in the National Archives be positively identified as being of President Kennedy?
>
> Was there any evidence that any of these photographs or X-rays had been altered in any manner?

To determine if the photographs of the autopsy subject were in fact of the President, forensic anthropologists compared the autopsy

photographs with ante-mortem pictures of the President. This comparison was done on the basis of both metric and morphological features. The metric analysis relied upon a series of facial measurements taken from the photographs, while the morphological analysis was focused on consistency of physical features, particularly those that could be considered distinctive (shape of the nose, patterns of facial lines, et cetera). Once unique characteristics were identified, posterior and anterior autopsy photographs were compared to verify that they, in fact, depicted the same person.

The anthropologists studied the autopsy X-rays in conjunction with premortem X-rays of the President. A sufficient number of unique anatomic characteristics were present in X-rays taken before and after the President's death to conclude that the autopsy X-rays were of President Kennedy. This conclusion was consistent with the findings of a forensic dentist employed by the committee.(*16*) Since many of the X-rays taken during the course of the autopsy included the President's teeth, it was possible to determine, using the President's dental records, that the X-rays were of the President.

Once the forensic dentist and anthropologists had determined that the autopsy photographs and X-rays were of the President, photographic scientists and radiologists examined the original autopsy photographs, negatives, transparencies, and X-rays for signs of alteration. They concluded there was no evidence of the photographic or radiographic materials having been altered.(*17*) Consequently, the committee determined that the autopsy X-rays and photographs were a valid basis for the conclusions of the committee's forensic pathology panel.

While the examination of the autopsy X-rays and photographs was the principal basis of its analysis, the forensic pathology panel also had access to all relevant witness testimony. In addition, all tests and evidence analyses requested by the panel were performed.(*18*) It was only after considering all of this evidence that the panel reached its conclusions.

The forensic pathology panel concluded that President Kennedy was struck by two, and only two, bullets, each of which entered from the rear.[1] The panel further concluded that the President was struck by one bullet that entered in the upper right of the back and exited from the front of the throat, and one bullet that entered in the right rear of the head near the cowlick area and exited from the right side of the head, toward the front. This second bullet caused a massive wound to the President's head upon exit. There is no medical evidence that the President was struck by a bullet entering the front of the head,(*19*) and the possibility that a bullet could have struck the President and yet left no evidence is extremely remote. Because this conclusion appears to be inconsistent with the backward motion of the President's head in the Zapruder film, the committee consulted a wound ballistics expert to determine what relationship, if any, exists between the direction from which a bullet strikes the head and subse-

[1] In many of its conclusions, the forensic pathology panel voted 8 to 1, with the dissenting vote being consistently that of Cyril H. Wecht, M.D., coroner of Allegheny County, Pa. In all references to conclusions of the panel, unless it is specifically stated that it was unanimous, it should be assumed that Dr. Wecht dissented.

quent head movement.(*20*) The expert concluded that nerve damage from a bullet entering the President's head could have caused his back muscles to tighten which, in turn, could have caused his head to move toward the rear.(*21*) He demonstrated the phenomenon in a filmed experiment which involved the shooting of goats.(*22*) Thus, the committee determined that the rearward movement of the President's head would not be fundamentally inconsistent with a bullet striking from the rear.(*23*)

The forensic pathology panel determined that Governor Connally was struck by a bullet from the rear, one that entered just below the right armpit and exited below the right nipple of the chest. It then shattered the radius bone of the Governor's right wrist and caused a superficial wound to the left thigh.(*24*) Based on its examination of the nature and alinement of the Governor's wounds, the panel concluded that they were all caused by a single bullet that came from the rear. It concluded further that, having caused the Governor's wounds, the bullet was dislodged from his left thigh.

The panel determined that the nature of the wounds of President Kennedy and Governor Connally was consistent with the possibility that one bullet entered the upper right back of President Kennedy and, after emerging from the front of the neck, caused all of the Governor's wounds.(*25*) A factor that influenced the panel significantly was the ovoid shape of the wound in the Governor's back, indicating that the bullet had begun to tumble or yaw before entering.(*26*) An ovoid wound is characteristic of one caused by a bullet that has passed through or glanced off an intervening object.(*27*) Based on the evidence available to it, the panel concluded that a single bullet passing through both President Kennedy and Governor Connally would support a fundamental conclusion that the President was struck by two, and only two, bullets, each fired from behind. (*28*) Thus, the forensic pathology panel's conclusions were consistent with the so-called single bullet theory advanced by the Warren Commission.(*29*)

(2) *Reaction times and alinement.*—The hypothesis that both the President and the Governor were struck by a single bullet had originally been based on the Warren Commission's examination of the Zapruder film and test firings of the assassination rifle. The time between the observable reactions of the President and of the Governor was too short to have allowed, according to the Commission's test firings, two shots to have been fired from the same rifle.(*30*) FBI marksmen who test fired the rifle for the Commission employed the telescopic sight on the rifle, and the minimum firing time between shots was approximately 2.25 to 2.3 seconds.(*31*) The time between the observable reactions of the President and the Governor, according to the Commission, was less than two seconds.[2]

The Commission determined that its hypothesis that the same bullet struck both the President and the Governor was supported by visual observations of the relative alinement of the two men in the limousine, by a trajectory analysis and by wound ballistics tests. The Commis-

[2] In its report, the committee's photographic evidence panel suggested that Governor Connally reacted to his wounds approximately one second after President Kennedy. This interval might have been even less, but a sign obstructing Zapruder's field of view made it impossible to study the Governor immediately after the President first appeared to be reacting to having been shot.

sion said, however, that a determination of which shot hit the Governor was "not necessary to any essential findings."(*32*)

(3) *Neutron activation analysis.*—In addition to the conclusions reached by the committee's forensic pathology panel, the single bullet theory was substantiated by the findings of a neutron activation analysis performed for the committee.(*33*) The bullet alleged to have caused the injuries to the Governor and the President was found on a stretcher at Parkland Hospital.(*34*) Numerous critics have alleged that this bullet, labeled "pristine" because it appeared to have been only slightly damaged, could not have caused the injuries to both the Governor (particularly his shattered wrist) and the President. Some have even suggested the possibility that the bullet wounded neither Connally nor Kennedy, that it was planted on the stretcher. (*35*) Neutron activation analysis, however, established that it was highly likely that the injuries to the Governor's wrist were caused by the bullet found on the stretcher in Parkland Hospital. (*36*) Further, the committee's wound ballistics expert concluded that the bullet found on the stretcher—Warren Commission exhibit 399 (CE 399)—is of a type that could have caused the wounds to President Kennedy and Governor Connally without showing any more deformity than it does.(*37*)

In determining whether the deformity of CE 399 was consistent with its having passed through both the President and Governor, the committee considered the fact that it is a relatively long, stable, fully jacketed bullet, typical of ammunition often used by the military. Such ammunition tends to pass through body tissue more easily than soft nose hunting bullets.(*38*) Committee consultants with knowledge in forensic pathology and wound ballistics concluded that it would not have been unusual for such a fully jacketed bullet to have passed through the President and the Governor and to have been only minimally deformed.(*39*)

The neutron activation analysis further supported the single bullet theory by indicating that there was evidence of only two bullets among the fragments recovered from the limousine and its occupants.(*40*) The consultant who conducted the analysis concluded that it was "highly likely" that CE 399 and the fragments removed from Governor Connally's wrist were from one bullet; that one of the two fragments recovered from the floor of the limousine and the fragment removed from the President's brain during the autopsy were from a second bullet. (*41*) [3] Neutron activation analysis showed no evidence of a third bullet among those fragments large enough to be tested.

(4) *Photographic evidence.*—The committee also considered photographic evidence in its analysis of the shots. The Zapruder film, the only continuous chronological visual record of the assassination, is the best available photographic evidence of the number and timing of the shots that struck the occupants of the Presidential limousine.

The committee's panel of photographic experts examined specially enhanced and stabilized versions of the Zapruder film for two purposes: (1) to try to draw conclusions about the timing of the shots from visual reactions of the victims; and (2) to determine whether

[3] The other large fragment recovered from the floor of the limousine had no lead in it, and therefore was not subjected to neutron activation analysis.

the alinement of the President and the Governor was consistent with the single bullet theory. The panel also examined still photographs.

Several conclusions with respect to the validity of the single-bullet theory were reached.(*42*) The panel concluded there is clear photographic evidence that two shots, spaced approximately 6 seconds apart, struck the occupants of the limousine. By Zapruder frame 207, when President Kennedy is seen going behind a sign that obstructed Zapruder's view, he appears to be reacting to a severe external stimulus. This reaction is first indicated in the vicinity of frame 200 of the Zapruder film. The President's right hand freezes in the midst of a waving motion, followed by a rapid leftward movement of his head.(*43*) There is, therefore, photographic evidence of a shot striking the President by this time.

Governor Connally shows no indication of distress before he disappears behind the sign at Zapruder frame 207, but as he emerges from behind the sign after frame 222, he seems to be reacting to some severe external stimulus.(*44*) By frame 226, when all of the limousine occupants have reappeared in Zapruder's field of view, the panel found indications in observable physical attitude and changes of facial expression to indicate that both the President and the Governor were reacting to their wounds. The President's reactions are obvious—he leans forward and clutches his throat. The Governor displays a pronounced rigid posture and change in facial expression.[4](*45*)

To study the relative alinement of the President and Governor Connally within the limousine, the photographic panel paid particular attention to the Zapruder frames just before the President and the Governor were obstructed by the sign, employing a stereoscopic (depth) analysis of frames 187 and 193 and still photographs taken at about the same time from the south side of Elm Street. The panel found that the alinement of the President and the Governor during this period was consistent with the single bullet hypothesis.(*46*)

The photographic evidence panel determined, further, that the explosive effect of the second shot to strike President Kennedy, the fatal head shot, is depicted in Zapruder frame 313. By frame 313, the President's head is seen exploding, leading the panel to conclude that the actual moment of impact was approximately frame 312.(*47*)

(5) *Acoustical evidence and blur analysis.*—The committee performed two other scientific tests that addressed the question of the direction and timing of the bullets that struck the President. First, it contracted with acoustical consultants for an analysis of a tape recording of a radio transmission made at the time of the assassination. The experts decided there were four shots on the recording.(*48*) The first, second and fourth came from the Texas School Book Depository behind the President, the third came from the grassy knoll to the right front of the President. Taking the shot to the President's head at frame 312 as the last of the four shots, and thus as a possible base point,[5] it was possible to correlate the other sounds identified as probable gunfire with the Zapruder film.(*49*) Since the acoustical

[4] There is no scientific method for determining the elapsed time between when a shot hits and when a person visibly reacts. Different people have different reaction times; moreover, a person's reaction time often depends on where he has been hit.

[5] The committee considered using frame 328 as a possible base point. In this analysis, the head shot occurring at frame 312 would, according to the acoustics results, have originated from the grassy knoll. This alternative, however, was rejected.

consultants concluded that the two earliest shots came from the depository, the shots (or at least their shock waves) would have reached the limousine at between frames 157 and 161 and frames 188 and 191. When coupled with the photographic evidence showing a reaction by President Kennedy beginning in the vicinity of frame 200, it appeared that he was first struck by a bullet at approximately frame 190.[6]

Second, the photographic evidence panel also studied the blurs on the Zapruder film that were caused by Zapruder's panning errors, that is, the effect of a lack of smooth motion as Zapruder moved from left to right with his camera. This was done in an effort to determine whether the blurs resulted from Zapruder's possible reaction to the sound of gunshots.(*50*) This analysis indicated that blurs occurring at frames 189–197 and 312–334 may reasonably be attributed to Zapruder's startle reactions to gunshots. The time interval of the shots associated with these blurs was determined to be approximately 6 to 7 seconds. The possibility that other blurs on the film might be attributable to Zapruder's reactions to gunshots could not be confirmed or dismissed without additional data.

Taken together with other evidence, the photographic and acoustical evidence led the committee to conclude that President Kennedy and Governor Connally were struck by one bullet at approximately Zapruder frame 190, and that the President was struck by another bullet at frame 312.

Thus, from the results of the analyses by its experts in the fields of forensic pathology, photography, acoustics, wound ballistics and neutron activation analysis, the committee concluded that President Kennedy was struck by two shots fired from behind.

2. THE SHOTS THAT STRUCK PRESIDENT KENNEDY FROM BEHIND WERE FIRED FROM THE SIXTH FLOOR WINDOW OF THE SOUTHEAST CORNER OF THE TEXAS SCHOOL BOOK DEPOSITORY BUILDING

The Warren Commission concluded that the shots that killed President Kennedy and wounded Governor Connally "* * * were fired from the sixth floor window at the southeast corner of the Texas School Book Depository."(*51*) It based its conclusion on eyewitness testimony, physical evidence found on the sixth floor of the depository, medical evidence and the absence of "* * * credible evidence that the shots were fired from * * * any other location."(*52*)

(*a*) *Scientific analysis*

In investigating this aspect of the case, the committee relied heavily on the scientific analysis of physical evidence, and again the conclusions of the forensic pathology panel were relevant. The panel concluded that the two bullets that struck the President came from behind and that the fatal head shot was moving in a downward direction when it struck the President.(*53*)[7] Thus, forensic pathology provided reli-

[6] A more detailed description of the reasoning leading to this conclusion is set forth in section I B, infra.

[7] The panel used both the location of the wounds and Zapruder frame 312 to determine the "downward" slope of the fatal head shot. It did not attempt to determine the slope of the bullet that struck the President's back because the moment of impact was not thought to be visible in the film. This decision by the forensic pathology panel was made well before the photographic panel reached its conclusion regarding the President's and Governor Connally's reactions as shown in the Zapruder film.

able evidence as to the origin of the shots: The gunman who fired the shot that hit President Kennedy and Governor Connally at approximately frame 190 of the Zapruder film fired from behind, and the gunman who fired the shot that hit the President in the head at frame 312 was positioned above and to the rear of the Presidential limousine.

(1) *Trajectory analysis.*—Another project pertaining to the origin of the shots involved the trajectory of the bullets that hit the President. Although the Warren Commission also studied trajectory, its analysis consisted of proving that a bullet fired from the southeast corner of the sixth floor of the book depository could have hit the President and then hit the Governor and that another bullet fired from that location could have caused the wound to the President's head. Basically, the purpose of the Commission's trajectory analysis was to prove that it was possible for the prime suspect, Lee Harvey Oswald, to have hit both the President and the Governor from the sixth floor of the depository.

The committee approached the problem without making prior assumptions as to the origin of the shots. It was an interdisciplinary effort, drawing from the expertise of forensic pathologists, acoustical and photographic analysts and an engineer from the staff of the National Aeronautics and Space Administration, who plotted the trajectories.(*54*)

The trajectory analysis was based on three types of data. From the acoustical analysis of the radio transmission, the timing of the shots was obtained. From the photographic analysis of the Zapruder film and the acoustical analysis, it was possible to know with relative precision when each of the shots struck—at approximately Zapruder frame 190, for the shot that struck the President in the back of the neck, and at Zapruder frame 312, for the fatal shot to the President's head. Through an analysis of those frames and still photographs taken at approximately the same time from the south side of Elm Street, it was possible to determine the location of the limousine in the plaza, the sitting positions of President Kennedy and Governor Connally and their alinement to one another.(*55*)

By then coordinating this data with the forensic pathology panel's analysis of the exit and entry wounds sustained by President Kennedy, it was possible to plot the path of the bullets out to their source. Separate direction and slope trajectories were developed for two bullets—the one that caused the President's back and neck wounds, and the one that caused his fatal head wound.(*56*) A third trajectory analysis was conducted to test the hypothesis that the first bullet also caused the wounds to Governor Connally, using for this analysis the exit wounds to the President's neck and the entry wound to the Governor's back.(*57*)

All three trajectories intercepted the southeast face of the Texas School Book Depository building.(*58*) While the trajectories could not be plotted with sufficient precision to determine the exact point from which the shots were fired, they each were calculated with a margin of error reflecting the precision of the underlying data. The margins of error were indicated as circles within which the shots originated. The southeast corner window of the depository was inside each of the circles.(*59*)

(2) *Photographic evidence.*—The photographic evidence panel examined evidence possibly relevant to the question of the origin of the shots, as follows:

The panel examined a motion picture of the southeast corner window of the depository taken a short time prior to the shots. (*60*) While there is an impression of motion in the film, the panel could not attribute it to the movement of a person or an object and instead attributed the motion to photographic artifacts. (*61*) The panel's findings were the same with respect to apparent motion in adjacent windows shown in the film. (*62*)

The panel studied two photographs taken within minutes of the assassination. (*63*) While no human face or form could be detected in the sixth floor southeast window, the panel was able to conclude that a stack of boxes in the window had been rearranged during the interval of the taking of the two photographs. (*64*)

There is evidence, a motion picture film made by Charles L. Bronson, that some independent researchers believe shows a figure or figures in the sixth floor depository window several minutes before the shooting. The film came to the attention of the committee toward the end of its investigation. Some members of the committee's photographic evidence panel did conduct a preliminary review (without enhancement) of the film. While motion was detected in the window, it was considered more likely to be a random photographic artifact than human movement. Nevertheless, the limited review was not sufficient to determine definitively if the film contained evidence of motion made by human figures. (*65*) Because of its high quality, it was recommended that the Bronson film be analyzed further.

(*b*) *Witness testimony*

While the committee relied primarily on scientific analysis of physical evidence as to the origin of the shots, it also considered the testimony of witnesses. The procedure used to analyze their statements was as follows:

First, all available prior statements were read by the committee and studied for consistency. The objective was to identify inconsistencies either between the words of one witness and another or between the various words of a witness whose story had changed. The statements were obtained from the files of the Dallas Police Department, Dallas Sheriff's Office, the FBI, Secret Service and Warren Commission.

Second, an attempt was made to locate the witnesses and to show them the statements they made in the course of the original investigation. Each witness was asked to read his statements and to indicate whether they were complete and accurate. If statements were inaccurate, or if a witness was aware of information that was not included, he was asked to make corrections or provide additional information. In addition, where relevant questions had not been asked, the committee asked them. (*66*)

There are inherent limitations in such a process. Any information provided by a witness in 1978—15 years after the assassination—must be viewed in light of the passage of time that causes memories to fade and honest accounts to become distorted. Certainly, it cannot be considered with the same reliability as information provided in 1963–64.

To the extent that they are based on witness testimony, the conclusions of the committee were vitally affected by the quality of the original investigation. The inconsistencies in the statements—the questions not asked, the witnesses not interviewed—all created problems that defied resolution 15 years after the events in Dallas.

Nevertheless, the committee considered all of the witness statements and determined to what extent they corroborated or independently substantiated, or contradicted, the conclusions indicated by the scientific evidence.

An example of such witness testimony is that relating to the discovery of the rifle and shell casings in the Texas School Book Depository. (Because detailed versions of witness testimony taken in the original investigation are a matter of public record, only brief résumés are included here.)

Deputy Sheriff Luke Mooney testified to the Warren Commission that at approximately 1 p.m. on November 22, 1963, he discovered three spent rifle shells on the sixth floor of the Texas School Book Depository. (*67*) He stated that he was in the southeast corner of the building when he noticed boxes stacked high in the vicinity of the window. (*68*) He then squeezed in between a space in the boxes and saw three spent rifle shells in the vicinity of the window. (*69*) Mooney also told of seeing boxes stacked up as though they were a prop or rest for a weapon. (*70*)

Deputy Sheriff Eugene Boone told the Warren Commission that he arrived on the sixth floor of the depository subsequent to the discovery of the three spent rifle shells. (*71*) He said he went to the east end of the floor and began working his way across to the west end, looking in, under and around boxes and pallets. (*72*) At the wall near a row of windows, he noticed a small space between some of the boxes. When he squeezed through the opening, he saw a rifle between two rows of boxes. The time was 1:22 p.m. (*73*)

(*c*) *Firearms evidence*

The rifle Boone found, a 6.5 millimeter Mannlicher-Carcano, was analyzed by the FBI in 1963–64 and by the committee's firearms panel in 1978, as was the other firearms evidence that was recovered. It was determined in both investigations that the bullet found on a stretcher at Parkland Hospital had been fired from the rifle found in the depository, as were two fragments recovered from the Presidential limousine. (*74*) Further, the three cartridge cases found on the sixth floor of the depository were determined to have been fired in the Mannlicher-Carcano.[8] (*75*)

Through neutron activation analysis, the committee found that the firearms evidence could be even more directly linked to the wounds suffered by the President and Governor Connally. It is highly likely that the bullet found on the stretcher was the one that passed through Governor Connally's wrist, leaving tiny particles behind, and the frag-

[8] The committee firearms panel determined that the evidence stored in the National Archives ballistically matched the bullets fired by the FBI in 1964 tests from the Mannlicher-Carcano found by Boone. Since the rifle had been test fired numerous times since 1963, its barrel had been altered by wear, and bullets the panel fired from the rifle did not match either the FBI test cartridges or those found on the sixth floor of depository or that found on the stretcher.

ments retrieved from the limousine came from the same bullet as the fragments taken from President Kennedy's brain. (*76*)

Over the years, skepticism has arisen as to whether the rifle found in the depository by Boone is the same rifle that was delivered to the Warren Commission and is presently stored in the National Archives. The suspicion has been based to some extent on allegations that police officers who first discovered the rifle identified it as a 7.5 millimeter German Mauser. (*77*) The controversy was intensified by the allegation that various photographs of the rifle, taken at different times, portray inconsistencies with respect to the proportions of the various component parts. (*78*)

To resolve the controversy, the committee assembled a wide range of photographs of the rifle: a police photograph taken where it was found in the depository; a motion picture film taken by a television station showing the rifle when it was found by the police; a series of photographs of a police officer carrying the rifle from the depository; photographs taken as the rifle was carried through the halls of Dallas Police Department; and photographs taken later by the FBI and Dallas Police Department. (*79*)

The examination by committee photographic consultants determined that all photographs were of the same rifle. Both a study of proportions and a comparison of identifying marks indicated that only one rifle was involved. (*80*)

(*d*) *Summary of the evidence*

In the final analysis, the committee based its finding that the shots that struck President Kennedy were fired from the Texas School Book Depository on the quantity and quality of the evidence, to wit:

The findings of forensic pathologists that the shots that hit the President came from behind;

The results of the trajectory analysis that traced the bullets to the vicinity of sixth floor window of the depository;

The conclusion of acoustics experts that the shots came from the vicinity of the sixth floor window of the depository;

The positive identification by firearms experts that the rifle found on the sixth floor of the depository was the one that fired the bullet found on a stretcher at Parkland Hospital and fragments retrieved from the Presidential limousine;

The results of neutron activation analysis indicating that it was highly likely that the bullet found on the stretcher at Parkland Hospital was the one that passed through Governor Connally's wrist, and that the fragments found in the limousine were from the bullet that struck the President in the head;

The conclusion of photographic experts that the rifle found in the depository was the same one that was repeatedly photographed in November 1963 and that is presently stored at the National Archives.

The committee also weighed the firsthand testimony of witnesses but with caution, because of the problem of the passage of time. Besides the statements of law officers on the scene immediately after the assassination, it considered the accounts of bystanders in Dealey Plaza, bearing in mind that these were recollections of fleeting mo-

ments when emotions were running high. The committee noted, however, that a number of the Dealey Plaza witnesses said they saw either a rifle or a man with a rifle in the vicinity of the sixth floor southeast corner window of the book depository.

3. LEE HARVEY OSWALD OWNED THE RIFLE THAT WAS USED TO FIRE THE SHOTS FROM THE SIXTH FLOOR WINDOW OF THE SOUTHEAST CORNER OF THE TEXAS SCHOOL BOOK DEPOSITORY BUILDING

The Warren Commission concluded that Lee Harvey Oswald owned the rifle found on the sixth floor of the Texas School Book Depository. Since the Commission further concluded that Oswald was the assassin of the President, his background is relevant.

(a) Biography of Lee Harvey Oswald

Oswald was born in New Orleans, La., on October 18, 1939, two months after the death of his father. His mother remarried, and, from 1945 until 1952, the family lived in a number of cities in Texas and Louisiana. This marriage ended in divorce when Oswald was nine.

In 1952, Oswald and his mother moved to New York City. His school record was marked by chronic truancy, and a psychiatric examination suggested that he was emotionally disturbed. Oswald and his mother returned to New Orleans in 1954.

After finishing the ninth grade, the 16-year-old Oswald dropped out of school. The following year, he joined the U.S. Marine Corps. Asserting the ill-health and distressing financial situation of his mother, Oswald obtained a release from the Marines in 1959. Following his discharge, he spent 3 days with his mother in Fort Worth, Tex., and then went to New Orleans. From there, he traveled to the Soviet Union where he tried to become a Soviet citizen.

In April 1961, Oswald married a 19-year-old Russian woman, Marina Nikolaevna Prusakova, whom he had met while working in Minsk. Having become disillusioned with Soviet life, he returned to the United States with his wife and baby daughter the following year. The Oswalds arrived in Fort Worth, Tex., on June 14, 1962, and soon became acquainted with a number of people in the Dallas-Fort Worth Russian-speaking community. Oswald moved to Dallas in October 1962 where he found a job with a graphic arts company. Marina followed in November, but their marriage was plagued by intermittent feuding.

In March 1963, according to the Warren Commission, Oswald purchased a Mannlicher-Carcano rifle and telescopic sight from a Chicago mail order house. He also ordered a .38 caliber Smith and Wesson pistol from a Los Angeles firm. According to Marina Oswald, he probably used the rifle in an attempt in April to kill Edwin A. Walker, a retired Army general who had been relieved from his post in West Germany for distributing rightwing literature to his troops. Walker was not harmed.

In April 1963, Oswald went to New Orleans. Meanwhile, Marina and the baby moved to the home of a friend, Ruth Paine, in Irving, Tex., in late April. In May, she joined Oswald in New Orleans. On July 19, Oswald was dismissed from his job for inefficiency. In May

and June, Oswald had expressed an interest in the Fair Play for Cuba Committee. In August, he distributed pro-Castro leaflets and also made two radio broadcasts on behalf of the Castro regime. Marina Oswald and her baby returned to Texas to stay with Ruth Paine in Irving on September 22.

Oswald went to Mexico City in the latter part of September. He visited the Russian Embassy and Consulate and the Cuban Consulate there, but he failed to get permission to travel to either country. He returned to Dallas on October 3, 1963. He visited Marina in Irving on several occasions but continued to try to find a place to live in Dallas. On October 14, Oswald moved into a roominghouse on North Beckley Avenue in Dallas. He began work at the Texas School Book Depository 2 days later. On October 20, Marina gave birth to their second daughter. She returned to the Paine home in Irving where Oswald visited on November 1, and from November 8 until November 11. Oswald next visited Marina and his children in Irving on the evening of November 21. He returned to Dallas the following morning.

Shortly after the assassination of President Kennedy on November 22, 1963, Dallas Patrolman J. D. Tippit was shot and killed. At approximately 2 p.m., Lee Harvey Oswald was arrested in the Texas Theatre. He was subsequently charged in the murder of Tippit and named as a suspect in the Kennedy assassination.

On November 24, 1963, while he was being escorted through the basement of Dallas police headquarters in preparation for being transferred to the Dallas County Sheriff's office, Oswald was fatally wounded by a single shot fired from a pistol by Jack Ruby, a Dallas nightclub operator.

As noted, the Warren Commission had traced the chain of possession of the alleged assassination rifle and determined that the name on the money order and purchase form used to buy the rifle was "A. Hidell," which it determined to be an alias used by Oswald. (*81*) It also determined that the rifle was sent to a Dallas post office box rented on October 9, 1962 by Oswald.(*82*) Through handwriting analysis, the Commission determined that Oswald had filled out and signed the documents relative to the purchase and receipt of the rifle.(*83*) Moreover, the Commission received testimony that Oswald owned a rifle and that it was not in its usual storage place at the residence of Michael and Ruth Paine in Irving, Tex., when police searched the residence on the afternoon of November 22, 1963.(*84*)

Photographs of Oswald holding a rifle were also recovered from among his personal possessions, and the Commission concluded that the rifle in the photograph was the one found on the sixth floor of the book depository.(*85*) A palmprint taken from the barrel of the rifle was identified as a latent palmprint of Oswald.(*86*) Finally, the Commission treated as significant evidence a brown paper sack on which was identified a latent palmprint of Oswald. (*87*) It contained fibers that were determined to be identical to certain fibers of a blanket in which Oswald had allegedly wrapped the rifle.(*88*)

The committee concluded that the rifle found on the sixth floor of the book depository was the murder weapon. This determination, coupled with Warren Commission evidence of Oswald's ownership of the rifle, if accepted, proved conclusively that Oswald was the owner of the murder weapon.

Nevertheless, doubt has been cast on the evidence that Oswald owned the rifle in question. Critics of the Warren Commission have asserted that the chain of possession is meaningless, because more than one Mannlicher-Carcano was issued with the serial number C2766.(*89*) They have also argued that the photograph of Oswald holding the rifle is a fake and that his palmprint was planted on the barrel.(*90*)

(*b*) *The committee's approach*

The committee decided that one way to determine whether Oswald did, in fact, own the murder weapon was to test the reliability of the evidence used by the Warren Commission to establish ownership and to subject the available evidence to further scientific analysis.

The committee posed these questions:

> Could the handwriting on the money order used to purchase the rifle and the application for the post office box be established with confidence as that of Lee Harvey Oswald? [9]
>
> Are the photographs of Oswald holding the rifle authentic, and is that rifle the one that was found in the book depository after the assassination?

(1) *Handwriting analysis.*—With respect to the first issue, the committee's questioned documents panel, composed of three experts with approximately 90 years of combined experience in the field of questioned document examination, was provided with approximately 50 documents allegedly containing Oswald's handwriting.(*91*) The panel was asked to determine whether all of the documents were written by the same person. Among the documents provided to the panel was the money order sent to Klein's Sporting Goods Co. of Chicago to pay for a Mannlicher-Carcano, serial number C2766, the application for the post office box to which the rifle was subsequently mailed, and two fingerprint cards signed by Oswald.(*92*) One of the cards was signed at the time of his enlistment in the Marine Corps on October 24, 1956; the other, dated August 9, 1963, was signed by Oswald at the time he was arrested in New Orleans for disturbing the peace. (Although Oswald was fingerprinted when he was arrested in Dallas on November 22, 1963, he refused to sign the card.)[10]

The questioned documents panel determined that the money order and the post office box application were filled out and signed by the same person and that the handwriting on them was identical to the handwriting on the two fingerprint cards signed by Oswald.(*94*) On the basis of this analysis, the committee determined that Oswald bought the weapon in question from Klein's Sporting Goods Co.

(2) *The backyard photographs.*—The photographs of Oswald holding the rifle, with a pistol strapped to his waist and also holding copies of "The Militant" and "The Worker," were taken by his wife in the backyard of Oswald's home on Neeley Street in Dallas in March or April 1963, according to the testimony of Oswald's widow, Marina,

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[9] The committee also attempted to have its handwriting experts analyse other documents, such as the order for the rifle and the envelope in which it was mailed. The originals had, however, been destroyed, and microfilm copies that existed were not suitable for conclusive tests.

[10] The fingerprints on all three cards were examined by the committee's fingerprint expert and determined to be those of the same person. (*93*)

given to the Warren Commission and the committee.[11] (*95*) There has been considerable controversy about the photographs. While in the custody of the Dallas police from November 22 to November 24, 1963, Oswald claimed that he did not own a rifle and that the photographs were composites, with his head superimposed over someone else's body.(*96*) The Warren Commission, however, concluded that the photographs were authentic.(*97*) Critics of the Commission have questioned their authenticity for reasons generally based on alleged shadow inconsistencies, an indication of a grafting line between the mouth and chin, inconsistent body proportions and a disparate square-shaped chin.(*98*)

To determine if evidence of fakery was present in these photographs, the photographic evidence panel first sought to determine if they could be established as having been taken with Oswald's Imperial Reflex camera. This was done by studying the photographs (and the single available original negative) for unique identifying characteristics that would have been imparted by that camera. Once this was successfully done, the objects imaged in the photographs, as well as their shadows, were analyzed photogrammetrically. Finally, the materials were visually scrutinized, using magnification, stereoscopic analysis and digital image processing.(*99*)

In its analyses, the photographic evidence panel worked with the original negative and first-generation prints of the photographs.(*100*) Only such materials contain the necessary and reliable photographic information. In contrast, some of the critics who claimed the photographs were faked relied on poor quality copies for their analyses.(*101*) Copies tend to lose detail and include defects that impair accurate representation of the photographic image.

After subjecting these original photographic materials and the camera alleged to have taken the pictures to sophisticated analytical techniques, the photographic evidence panel concluded that it could find no evidence of fakery.(*102*)

Of equal significance, a detailed scientific photographic analysis was conducted by the panel to determine whether the rifle held by Oswald in the backyard photographs was, in fact, the rifle stored at the National Archives. The panel found a unique identifying mark present on the weapon in the Archives that correlated with a mark visible on the rifle in the Oswald backyard photographs, as well as on the alleged assassination rifle as it appeared in photographs taken after the assassination in 1963.(*103*) Because this mark was considered to be a unique random pattern (i.e., caused by wear and tear through use), it was considered sufficient to warrant the making of a positive identification.

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[11] Marina Oswald, because of her testimony, played a central but troubling role in the investigation of the Warren Commission. A great deal of what the Commission sought to show about Oswald rested on her testimony, yet she gave incomplete and inconsistent statements at various times to the Secret Service, FBI and the Commission. Marina's role in the committee's investigation was less central, since the committee's examination of what happened in Dallas rested primarily on the results of scientific analysis. The committee found no evidence that would indicate that Marina had foreknowledge of the assassination or that she helped her husband in any way in his efforts to assassinate the President. In its investigation of conspiracy, the committee's undertaking was not furthered by Marina's testimony, since she professed to know little of Oswald's associates in New Orleans or Dallas.

In addition, the relative lengths of component parts of the alleged assassination rifle at the National Archives were compared to component parts of the rifle that appeared in various 1963 photographs, including the backyard photographs.(*104*) They were found to be entirely consistent, component part for component part, with each other.[12] Upon completion of its analysis, the photographic evidence panel concluded that the rifle depicted in the backyard photographs is the one that was found in the book depository after the assassination and that was stored at the National Archives.(*105*)

In addition to the photographic analysis, the committee was able to employ handwriting analysis to aid in the determination of whether the photograph was authentic. During the course of the committee's investigation, George de Mohrenschildt, who had been a friend of Oswald, committed suicide. The committee, pursuant to a subpena, obtained de Mohrenschildt's personal papers, which included another copy of the Oswald backyard photograph. This copy, unlike any of those previously recovered, had an inscription on the back: "To my dear friend George, from Lee." It was dated April 1963 and signed "Lee Harvey Oswald."(*106*)

In an unpublished manuscript, de Mohrenschildt referred to this copy of the photograph and stated that after his return from Haiti, where he had been at the time of the assassination, he discovered the photograph among personal possessions that he had previously stored in a warehouse. (*107*) The committee examined the photograph to determine its authenticity and examined the handwriting to determine if Oswald had actually written the inscription and signed it. If Oswald did sign the photograph, his claim that he did not own the rifle and that the photograph was a fake could be discounted.

The photographic panel found no evidence of fakery in the backyard photographs, including the one found in de Mohrenschildt's effects.(*108*) The handwriting on the back of the de Mohrenschildt copy was determined by the questioned documents panel to be identical to all the other documents signed by Oswald, including the fingerprint cards.(*109*)

Thus, after submitting the backyard photographs to the photographic and handwriting panels, the committee concluded that there was no evidence of fakery in the photographs and that the rifle in the photographs was identical to the rifle found on the sixth floor of the depository on November 22, 1963. Having resolved these issues, the committee concluded that Lee Harvey Oswald owned the rifle from which the shots that killed President Kennedy were fired.

4. LEE HARVEY OSWALD, SHORTLY BEFORE THE ASSASSINATION, HAD ACCESS TO AND WAS PRESENT ON THE SIXTH FLOOR OF THE TEXAS SCHOOL BOOK DEPOSITORY BUILDING

The Warren Commission found that Lee Harvey Oswald worked principally on the first and sixth floors of the Texas School Book Depository, gathering books listed on orders and delivering them to

[12] Previous studies analyzing the relative lengths of the component parts of rifles shown in various post-assassination photographs that questioned the identification of the rifle failed to consider the effect of perspective on the way that an object is imaged in a photograph.

the shipping room on the first floor.(*110*) He had, therefore, ready access to the sixth floor and to the southeast corner window from which the shots were fired. The Commission reached this conclusion by interviewing Oswald's supervisors and fellow employees.(*111*)

(*a*) *Testimony of school book depository employees*

In its investigation, the committee also considered the statements and testimony of employees of the Texas School Book Depository who worked with and supervised Oswald. Roy Truly, superintendent of the depository, had stated to the Warren Commission that Oswald "had occasion to go to the sixth floor quite a number of times every day, each day, after books."(*112*) Truly and others testified that Oswald normally had access to the sixth floor of the depository, and a number of them said that they saw and heard Oswald in the vicinity of the sixth floor throughout the morning of November 22, 1963.(*113*)

(*b*) *Physical evidence of Oswald's presence*

In determining whether Oswald was actually present on the sixth floor of the depository, the committee paid primary attention to scientific analysis of physical evidence. Materials were examined for fingerprints, including a long, rectangular paper sack that was discovered near the southeast corner window and cartons that were found stacked adjacent to the window. The paper sack, which was suitable for containing a rifle, showed a latent palmprint and fingerprint of Oswald; one of the cartons showed both a palmprint and fingerprint identified as belonging to Oswald, and the other showed just his palmprint. The determination that Oswald's prints were on the sack and cartons was originally made in the investigation that immediately followed the assassination. It was confirmed by a fingerprint expert retained by the committee. (*114*)

The committee was aware that Oswald's access to the sixth floor during the normal course of his duties would have provided the opportunity to handle these items at any time before the assassination. Nevertheless, the committee believed that the way the boxes were stacked at the window and the proximity of the paper sack to the window from which the shots were fired must be considered as evidence indicating that he handled the boxes in the process of preparing the so-called sniper's nest and that he had used the paper sack to carry the rifle into the depository.

(*c*) *Oswald's whereabouts*

As for Oswald's presence on the sixth floor shortly before the assassination, the committee considered the testimony of Oswald's fellow employees at the depository. Although a number of them placed him on the fifth or sixth floor just before noon, a half hour before the assassination, one recalled he was on the first floor at that same time.(*115*)

The committee decided not to try to reconcile the testimony of these witnesses. Whether Oswald was on the first, fifth or sixth floor at noon, he could have still been on the sixth floor at 12:30. There was no witness who said he saw Oswald anywhere at the time of the assassination, and there was no witness who claimed to have been on the sixth floor and therefore in a position to have seen Oswald, had he been there.

(1) *Lovelady or Oswald?*—It has been alleged that a photograph taken of the President's limousine at the time of the first shot shows Oswald standing in the doorway of the depository.(*116*) Obviously, if Oswald was the man in the doorway, he could not have been on the sixth floor shooting at the President.

The Warren Commission determined that the man in the doorway was not Oswald, it was Billy Lovelady, another depository employee. (*117*) Critics have challenged that conclusion, charging that Commission members did not personally question Lovelady to determine if he was in fact the man in the photograph. In addition, they argue that no photograph of Lovelady was published in any of the volumes issued by the Warren Commission.(*118*)

The committee asked its photographic evidence panel to determine whether the man in the doorway was Oswald, Lovelady or someone else. Forensic anthropologists working with the panel compared the photograph with pictures of Oswald and Lovelady, and a photo-analyst studied the pattern of the shirt worn by the man in the doorway and compared it to the shirts worn by the two men that day.(*119*) Based on an assessment of the facial features, the anthropologists determined that the man in the doorway bore a much stronger resemblance to Lovelady than to Oswald. In addition, the photographic analysis of the shirt in the photograph established that it corresponded more closely with the shirt worn that day by Lovelady. Based on these analyses, the committee concluded that it was highly improbable that the man in the doorway was Oswald and highly probable that he was Lovelady.

The committee's belief that the man in the doorway was Lovelady was also supported by an interview with Lovelady in which he affirmed to committee investigators that he was the man in the photograph.(*120*)

(2) *Witness testimony.*—The committee also considered witness testimony as to Oswald's whereabouts immediately following the assassination. Three witnesses were particularly significant. Depository Superintendent Roy Truly and Dallas Police Officer M. L. Baker both entered the depository right after the shots were fired. They encountered Oswald on the second floor, and in testimony to the Warren Commission, they gave the time as 2 to 3 minutes after the shots.(*121*) A witness who personally knew Oswald, Mrs. Robert A. Reid, also a depository employee, testified to the Warren Commission that she also saw him on the second floor approximately 2 minutes after the assassination.(*122*)

The testimony of these three witnesses was mutually corroborating. Since all were outside the depository when the shots were fired, their statements that it took them about 2 minutes to get to the second floor were reasonable.(*123*) It appeared equally reasonable that in those same 2 minutes Oswald could have walked from the sixth floor window to the rear stairway and down four flights of stairs to the second floor.

The conclusion with respect to this evidence alone was not that Lee Harvey Oswald was the assassin, but merely that the testimony of these witnesses appeared credible and was probative on the question of Oswald's whereabouts at the time of the assassination.

5. LEE HARVEY OSWALD'S OTHER ACTIONS TEND TO SUPPORT THE CONCLUSION THAT HE ASSASSINATED PRESIDENT KENNEDY

The Warren Commission concluded that shortly after the assassination, Oswald boarded a bus, but when the bus got caught in a traffic jam, he disembarked and took a taxicab to his roominghouse.(*124*) The Commission also found that Oswald changed clothes at the roominghouse and walked about nine-tenths of a mile away from it before he encountered Dallas Police Officer J. D. Tippit.(*125*) After being stopped by Tippit, the Commission concluded, Oswald drew a revolver and shot Tippit four times, killing him. He then ran from the scene.(*126*) He was apprehended at approximately 1:50 p.m. in a nearby movie house, the Texas Theatre.(*127*)

The committee found that while most of the depository employees were outside of the building at the time of the assassination and returned inside afterwards, Oswald did the reverse; he was inside before the assassination, and afterward he went outside. That Oswald left the building within minutes of the assassination was significant. Every other depository employee either had an alibi for the time of the assassination or returned to the building immediately thereafter. Oswald alone neither remained nor had an alibi.

(*a*) *The Tippit murder*

The committee investigated the murder of Officer Tippit primarily for its implications concerning the assassination of the President. The committee relied primarily on scientific evidence. The committee's firearms panel determined positively that all four cartridge cases found at the scene of the Tippit murder were fired from the pistol that was found in Lee Harvey Oswald's possession when he was apprehended in the Texas Theatre 35 minutes after the murder.[13](*128*)

In addition, the committee's investigators interviewed witnesses present at the scene of the Tippit murder.(*129*) Based on Oswald's possession of the murder weapon a short time after the murder and the eyewitness identifications of Oswald as the gunman, the committee concluded that Oswald shot and killed Officer Tippit. The committee further concluded that this crime, committed while fleeing the scene of the assassination, was consistent with a finding that Oswald assassinated the President.

The Warren Commission had investigated the possibility that Oswald and Tippit were associated prior to the assassination, but it failed to find a connection.(*130*) Similarly, the committee's investigation uncovered no direct evidence of such a relationship, nor did it attribute any activity or association to Officer Tippit that could be deemed suspicious. The committee, however, did find and interview one witness who had not been interviewed by the Warren Commission or FBI in 1963–64. His name is Jack Ray Tatum, and he reported witnessing the final moments of the shooting of Officer Tippit.(*131*) Oswald, according to Tatum, after initially shooting Tippit from his position on the sidewalk, walked around the patrol car to where Tippit

[13] Since Oswald's revolver had been partially modified to shoot different ammunition than the type it was manufactured to shoot, it was not possible for the panel to determine whether the bullets that killed Tippit were fired from it. The panel did determine that the characteristics of the bullets were consistent with their having been fired from Oswald's revolver.

lay in the street and stood over him while he shot him at point blank range in the head. This action, which is often encountered in gangland murders and is commonly described as a coup de grace, is more indicative of an execution than an act of defense intended to allow escape or prevent apprehension. Absent further evidence—which the committee did not develop—the meaning of this evidence must remain uncertain.[14]

(*b*) *Oswald: A capacity for violence?*

The committee also considered the question of whether Oswald's words or actions indicated that he possessed a "capacity for violence." The presence of such a trait would not, in and of itself, prove much. Nevertheless, the absence of any words or actions by Oswald that indicated a capacity for violence would be inconsistent with the conclusion that Oswald assassinated the President and would be of some significance.

In this regard, the committee noted that Oswald had on more than one occasion exhibited such behavior. The most blatant example is the shooting of Officer Tippit. The man who shot Tippit shot him four times at close range and in areas that were certain to cause death. There can be no doubt that the man who murdered Officer Tippit intended to kill him, and, as discussed above, the committee concluded that Oswald was that man.

Another example of such behavior occurred in the Texas Theatre at the time of Oswald's arrest. All of the police officers present—and Oswald himself—stated that Oswald physically attempted to resist arrest. (*132*) The incident is particularly significant, if, as some of the officers testified, Oswald attempted, albeit unsuccessfully, to fire his revolver during the course of the struggle.

Another incident considered by the committee in evaluating Oswald's capacity for violence was the attempted murder of Maj. Gen. Edwin A. Walker on April 10, 1963. The Warren Commission concluded that Oswald shot at Walker and that this demonstrated "his propensity to act dramatically and, in this instance violently, in furtherance of his beliefs." (*133*) Many critics of the Commission, however, dispute the conclusion that Oswald was the shooter in the Walker case. (*134*).

The committee turned to scientific analysis to cast light on the issue. As discussed earlier, the evidence is conclusive that Oswald owned a Mannlicher-Carcano rifle. The committee's firearms panel examined the bullet fragment that was removed from the wall in the home of General Walker and found that it had characteristics similar to bullets fired from Oswald's Mannlicher-Carcano rifle. (*135*) In addition, neutron activation analysis of this fragment confirmed that it was probably a Mannlicher-Carcano bullet. (*136*)

In addition, the committee considered the testimony of Marina Oswald, who stated, among other things, that Lee Harvey Oswald told her that he had shot at Walker. (*137*) Further, the committee's handwriting experts determined that a handwritten note that, according to Marina Oswald's testimony, was written to her by Oswald prior to the

[14] The committee did verify from the Tippit autopsy report that there was one wound in the body that slanted upward from front to back. Though previously unexplained, it would be consistent with the observations of Jack Ray Tatum.

Walker shooting, was written by Oswald.(*138*) This undated note, although it did not mention General Walker, clearly indicated that Oswald was about to attempt an act during the course of which he might be killed or taken into custody.(*139*) [15]

The committee concluded that the evidence strongly suggested that Oswald attempted to murder General Walker and that he possessed a capacity for violence. Such evidence is supportive of the committee's conclusion that Oswald assassinated President Kennedy.

(*c*) *The motive*

Finding a possible motive for Oswald's having assassinated President Kennedy was one of the most difficult issues that the Warren Commission addressed. The Commission stated that "many factors were undoubtedly involved in Oswald's motivation for the assassination, and the Commission does not believe that it can ascribe to him any one motive or group of motives."(*140*) The Commission noted Oswald's overriding hostility to his environment, his seeking a role in history as a great man, his commitment to Marxism, and his capacity to act decisively without regard to the consequences when such action would further his aims of the moment.(*141*)

The committee agreed that each of the factors listed by the Warren Commission accurately characterized various aspects of Oswald's political beliefs, that those beliefs were a dominant factor in his life and that in the absence of other more compelling evidence, it concluded that they offered a reasonable explanation of his motive to kill the President.

It is the committee's judgment that in the last 5 years of his life, Oswald was preoccupied with political ideology. The first clear manifestation of this preoccupation was his defection to the Soviet Union in the fall of 1959 at the age of 20.(*142*) This action, in and of itself, was an indication of the depth of his political commitment. The words that accompanied the act went even further. Oswald stated to officials at the American Embassy in Moscow that he wanted to renounce his citizenship and that he intended to give the Russians any information concerning the Marine Corps and radar operations that he possessed.(*143*) In letters written to his brother Robert, Oswald made it clear that in the event of war he would not hestitate to fight on the side of the Russians against his family or former country.(*144*) The paramount importance of his political commitment was indicated in one letter in which he informed his family that he did not desire to have any further communications with them as he was starting a new life in Russia. It was also reflected in his attempt to commit suicide when he was informed he would not be allowed to remain in the Soviet Union.(*145*) In considering which were the dominant forces in Oswald's life, the committee, therefore, relied on Oswald's willingness

[15] With respect to the Walker shooting, reports of the Dallas Police Department, made at the time of the shooting and referred to in the Warren Report, reflected that there was one witness who stated he saw more than one person leaving the scene after the shooting. Another witness, according to police reports, stated he saw two men, two nights before the shooting, driving in the vicinity of the Walker house in a suspicious manner. These statements were never substantiated, and the case remains unsolved. Nevertheless, if they are true, a possible implication is that Oswald had associates who would engage in a conspiracy to commit murder. The committee conducted a limited investigation to see if leads could be developed that might assist in identifying these possible associates. No leads were developed, and this line of inquiry was abandoned.

to renounce his citizenship, to betray military secrets, to take arms against his own family, and to give up his own life, if necessary, for his political beliefs.

Upon Oswald's return to the United States from the Soviet Union in 1962, although his fervor for that country might have diminished, his words and actions still revolved around ideological causes. Oswald made no attempt to hide or tone down his deep-seated feelings. He expounded them to those with whom he associated, even when they could be expected to be opposed. He subscribed to Marxist and Communist publications such as "The Worker" and "The Militant," and he openly corresponded with the American Communist Party and the Socialist Worker's Party. (*146*) His devotion to his political beliefs was cogently symbolized by the photograph, authenticated by the committee's photographic and handwriting panels, in which he is defiantly holding copies of "The Worker" and "The Militant" and his rifle, with a handgun strapped to his waist. (*147*)

His involvement in the Fair Play for Cuba Committee was another example of Oswald's affinity for political action. (*148*) This organization was highly critical of U.S. policy toward the Cuban government of Fidel Castro. Oswald not only professed to be a member of the organization, but he characteristically chose to become a highly visible spokesman. He corresponded with the national office, distributed handbills on the streets of New Orleans and twice appeared on a local radio program representing himself as a spokesman for the organization.

The committee fully recognized that during the course of Oswald's activities in New Orleans, he apparently became involved with certain anti-Castro elements, although such activities on Oswald's part have never been fully explained. (*149*) Considering the depth of his political commitment, it would not have been uncharacteristic for Oswald to have attempted to infiltrate anti-Castro Cuban organizations. (*150*) But the significant point is that regardless of his purpose for joining, it is another example of the dominance of political activity in Oswald's life.

A short time before the assassination of the President, Oswald traveled to Mexico City, where he went to the Cuban Consulate and indicated an intense desire to travel to Cuba and Russia. (*151*) Once again, it appears that Oswald was ready to leave his family and his country to fulfill a political goal. Precisely why Oswald wanted to go to Cuba or Russia is not known, but it was certainly of significance that he chose those particular countries, both of which are Marxist.

Finally, in considering the extent to which Oswald acted on behalf of his political beliefs, the Walker shooting also was relevant. As discussed above, the committee concluded that Oswald attempted to murder Major General Walker in April 1963. In the city of Dallas, no one figure so epitomized anticommunism as General Walker. Considering the various activities to which Oswald devoted his time, his efforts and his very existence, General Walker could be readily seen as "an ultimate enemy." It is known that Oswald was willing to risk death for his beliefs, so it is certainly not unreasonable to find that he might attempt to kill Walker, a man who was intensely opposed to his ideology.

In analyzing Oswald's possible political motive, the committee considered the fact that as one's position in the political spectrum moves

far enough to the left or right, what may otherwise be recognized as strikingly dissimilar viewpoints on the spectrum may be viewed as ideologically related. President Kennedy and General Walker hardly shared a common political ideology. As seen in terms of American political thinking, Walker was a staunch conservative while the President was a liberal. It can be argued, however, that from a Marxist's perspective, they could be regarded as occupying similar positions. Where Walker was stridently anti-Communist, Kennedy was the leader of the free world in its fight against communism. Walker was a militarist. Kennedy had ordered the invasion of Cuba and had moved to within a hairsbreadth of nuclear war during the Cuban missile crisis. Consequently, it may be argued that Oswald could have seen Walker and Kennedy in the same ideological light.

The depth and direction of Oswald's ideological commitment is, therefore, clear. Politics was the dominant force in his life right down to the last days when, upon being arrested for the assassination, he requested to be represented by a lawyer prominent for representing Communists. Although no one specific ideological goal that Oswald might have hoped to achieve by the assassination of President Kennedy can be shown with confidence, it appeared to the committee that his dominant motivation, consistent with his known activities and beliefs, must have been a desire to take political action. It seems reasonable to conclude that the best single explanation for the assassination was his conception of political action, rooted in his twisted ideological view of himself and the world around him.

B. Scientific Acoustical Evidence Establishes a High Probability That Two Gunmen Fired at President John F. Kennedy; Other Scientific Evidence Does Not Preclude the Possibility of Two Gunmen Firing at the President; Scientific Evidence Negates Some Specific Conspiracy Allegations

The committee tried to take optimum advantage of scientific analysis in exploring issues concerning the assassination. In many cases, it was believed that scientific information would be the most reliable information available, since some witnesses had died and the passage of time had caused the memories of remaining witnesses to fail and caused other problems affecting the trustworthiness of their testimony.

As noted in the preceding section of this report, the committee turned to science as a major source of evidence for its conclusion that Lee Harvey Oswald fired three shots from the Texas School Book Depository, two of which hit President Kennedy. The evidence that was most relied upon was developed by committee panels specializing in the fields of forensic pathology, ballistics, neutron activation, analysis, handwriting identification, photography and acoustics. Of these, acoustics—a science that involves analysis of the nature and origin of sound impulses—indicated that the shots from the book depository were not the only ones fired at President Kennedy.

(a) *Warren Commission analysis of a tape*

The Warren Commission had also employed scientific analysis in its investigation and had recognized that acoustics might be used to resolve some questions about the shots fired at the President. It had obtained a tape recording, an alleged on-the-scene account of the assassination made by Sam Pate, a Dallas radio newsman, but an FBI examination of the tape "failed to indicate the presence of any sounds which could be interpreted as gunshots."(*1*) The FBI also informed the Commission that the newsman had stated that most of the tape was not recorded in Dealey Plaza at the time of the assassination, but was recorded in a studio several days later after he had been dismissed by his station, KBOX.(*2*)

The Commission independently submitted the tape for analysis to Dr. Lawrence Kersta of Bell Telephone Acoustics & Speech Research Laboratory. As reported in a letter from Kersta to the Commission on July 17, 1964,(*3*) spectograms (visual representations of tonal qualities in the sounds) were made of a key 8-second portion of the tape. The spectograms indicated there were six nonvoiced noises—one nonvoiced "spike" (a scientific term for a graphic display of a noise) followed by three other nonvoiced spikes of different acoustical characteristics occurring .86 seconds, 1.035 seconds and 1.385 seconds after the first. These, in turn, were followed by two events apparently caused by sound and believed to have been related to the previous ones.

Dr. Kersta did not indicate in his letter that he had found shots, and the results of his tests were not mentioned in the Warren Report.

The committee was unable to locate the Kersta spectographs in the National Archives until late 1978 (they had been misfiled), but it did obtain the tape recording made on November 22, 1963, by KBOX reporter Sam Pate. On May 11, 1978, the committee submitted the tape to an acoustical consultant for analysis, with these results:(4)

> While a portion of the tape was recorded on November 22, 1963, in the vicinity of Dealey Plaza, it was thought not to be contemporaneous with the assassination. Other portions of the tape, moreover, seemed to have been recorded, at least in large part, in a studio, since appropriate background noise was not present.
>
> And even if the tape had been made during the firing of the shots and had recorded them, Kersta's spectographic analysis would not have found them. The committee's consultant advised that spectographic analysis is appropriate only for detecting tonal, or harmonic, sound. To identify a gunshot, the analysis must be able to portray a waveform on an oscilloscope or similar such device.

(*b*) *Dallas Police Department recordings*

To resolve questions concerning the number, timing, and origin of the shots fired in Dealey Plaza, the committee asked its acoustical consultant to examine recordings not analyzed acoustically by the Warren Commission, specifically, Dallas Police Department dispatch transmissions for November 22, 1963.[1]

These transmissions, received over the police radio network from officers in the field, were recorded at Dallas police headquarters. Two recording systems were in use at the time—a Dictabelt for channel 1, and a Gray Audograph disc recording for channel 2.[2](*5*)

The committee held 2 days of public hearings—on September 11, 1978 and December 29, 1978—in which it attempted to present the essential evidence from the acoustical analysis. Because of time limitations, it was not possible to present all of the evidence in the hearings.

(1) *Analysis by Bolt Beranek and Newman.*—In order to identify the nature and origin of sound impulses in a recording, acoustical analysis may include, among other means of examination, a delineation and study of the shape of its electrical waveforms and a precise measurement and study of the timing of impulses on the recording. In May 1978, the committee contracted with Bolt Beranek and Newman Inc. (BBN) of Cambridge, Mass., to perform this sort of analysis. The study was supervised by Dr. James E. Barger, the firm's chief scientist.

Bolt Beranek and Newman specializes in acoustical analysis and performs such work as locating submarines by analyzing underwater sound impulses. It pioneered the technique of using sound recordings

[1] Transcripts of the Dallas dispatch transmissions had been provided to the Warren Commission by the FBI and the Dallas Police Department. They were used to resolve issues not related to the number, timing or origin of the shots fired in Dealey Plaza. It did not appear that an acoustical analysis of these tapes or Dictabelts was performed for the Commission by the FBI or any other agency or private organization.

[2] Channel 1 transmissions were a continuous record of Dallas police activity; channel 2 transmissions were voice activated, and therefore an intermittent record of communications, for the most part those of Dallas Police Chief Jesse E. Curry and the headquarters dispatcher.

to determine the timing and direction of gunfire in an analysis of a tape that was recorded during the shootings at Kent State University in 1970. In a criminal case brought against members of the National Guard by the Department of Justice, the analysis of the tape by BBN, combined with photographs taken at the time of the shootings, were used by the prosecution in its presentation to a grand jury to help establish which guardsmen were the first to fire shots. The firm was also selected by Judge John J. Sirica to serve on a panel of technical experts that examined the Watergate tapes in 1973.

The Dallas police dispatch materials given to BBN to analyze in May 1978 were as follows:

The original Dictabelt recordings made on November 22, 1963, of transmissions over channel 1;

A tape recording of channel 1 Dictabelts;

A tape recording of transmissions over channel 2.[3] (*7*)

These materials were obtained by a committee investigator in March 1978, from Paul McCaghren, who in 1963 was a Dallas police lieutenant who had submitted investigative reports and materials on the assassination to Chief Curry. (*8*) In 1969, a newly appointed chief of police had ordered that a locked cabinet outside his office be opened. It contained reports and materials concerning the assassination that had been submitted to Curry; among the items were the Dictabelt recordings and tapes of the November 22, 1963, dispatch transmissions. McCaghren, who in 1969 was director of the Intelligence Division, had then taken custody of the materials and retained them until he gave them to the committee's investigator in 1978. (*9*) There was no evidence that any of the materials had been tampered with while in the police department's or McCaghren's possession.

To the human ear, the tapes and Dictabelts contain no discernible sounds of gunfire. The dispatcher's voice notations of the time of day indicate that channel 2 apparently was not in use during the period when the shots were fired. Channel 1 transmissions, however, were inadvertently being recorded from a motorcycle or other police vehicle whose radio transmission switch was stuck in the "on" position. (*10*)

BBN was asked to examine the channel 1 Dictabelts and the tape that was made of them to see if it could determine: (1) if they were, in fact, recorded transmissions from a motorcycle with a microphone stuck in the "on" position in Dealey Plaza; (2) if the sounds of shots had been, in fact, recorded; (3) the number of shots; (4) the time interval between the shots; (5) the location of the weapon or weapons used to fire the shots; and (6) the type of weapon or weapons used.

BBN converted the sounds on the tape into digitized waveforms and produced a visual representation of the waveforms. (*11*) By employing sophisticated electronic filters, BBN filtered out "repetitive noise," such as repeated firings of the pistons of a motorcycle engine. (*12*) It then examined the tape for "sequences of impulses" that might be significant. (A "sequence of impulses" might be caused by a loud noise—such as gunfire—followed by the echoes from that

[3] Prior to the BBN analysis of the original Dictabelt and tapes, the firm was given a tape that had been supplied to the committee by a Warren Commission critic in the belief that it was an original. BBN determined that this tape was a second generation copy of the original. Because it was an imperfect copy, it was not used in the BBN work. (*6*)

loud noise.) Six sequences of impulses that could have been caused by a noise such as gunfire were initially identified as having been transmitted over channel 1. (*13*) Thus, they warranted further analysis.

These six sequences of impulses, or impulse patterns, were subjected to preliminary screening tests to determine if any could be conclusively determined not to have been caused by gunfire during the assassination. The screening tests were designed to answer the following questions: (*14*)

Do the impulse patterns, in fact, occur during the period of the assassination?

Are the impulse patterns unique to the period of the assassination?

Does the span of time of the impulse patterns approximate the duration of the assassination as indicated by a preliminary analysis of the Zapruder film? (Are there at least 5.6 seconds between the first and last impulse? [4])

Does the shape of the impulse patterns resemble the shape of impulse patterns produced when the sound of gunfire is recorded through a radio transmission system comparable to the one used for the Dallas police dispatch network?

Are the amplitudes of the impulse patterns similar to those produced when the sound of gunfire is recorded through a transmission system comparable to the one used for the Dallas police dispatch network?

All six impulse patterns passed the preliminary screening tests. (*15*)

BBN next recommended that the committee conduct an acoustical reconstruction of the assassination in Dealey Plaza to determine if any of the six impulse patterns on the dispatch tape were caused by shots and, if so, if the shots were fired from the Texas School Book Depository or the grassy knoll. (*16*) The reconstruction would entail firing from two locations in Dealey Plaza—the depository and the knoll—at particular target locations and recording the sounds through numerous microphones. The purpose was to determine if the sequences of impluses recorded during the reconstruction would match any of those on the dispatch tape. If so, it would be possible to determine if the impulse patterns on the dispatch tape were caused by shots fired during the assassination from shooter locations in the depository and on the knoll. (*17*)

The theoretical rationale for the reconstruction was as follows:

The sequence of impulses from a gunshot is caused by the noise of the shot, followed by several echoes. Each combination of shooter location, target location and microphone location produces a sequence of uniquely spaced impulses. At a given microphone location, there would be a unique sequence of impulses, depending on the location of the noise source (gunfire) and the target, and the urban environment of the surrounding area (echo-producing structures in and surrounding Dealey Plaza). The time of arrival of the echoes would be the

[4] The 5.6-second standard was based on a preliminary examination of the Zapruder film that showed evidence of Kennedy and Connally reacting to their wounds. The difference between approximate impact moments was calculated using the 18.3 frame per second rate of the Zapruder camera. This 5.6-second standard was derived before the photographic evidence panel had reported the results of its observations of the Zapruder film.

significant aspect of the sequence of impulses that would be used to compare the 1963 dispatch tape with the sounds recorded during the 1978 reconstruction. (*18*)

The echo patterns in a complex environment such as Dealey Plaza are unique, so by conducting the reconstruction, the committee could obtain unique "acoustical fingerprints" of various combinations of shooter, target and microphone locations. The fingerprint's identifying characteristic would be the unique time-spacing between the echoes. If any of the acoustical fingerprints produced in the 1978 reconstruction matched those on the 1963 Dallas police dispatch tape, it would be a strong indication that the sounds on the 1963 Dallas police dispatch tape were caused by gunfire recorded by a police microphone in Dealey Plaza. (*19*)

At the time of the reconstruction in August 1978, the committee was extremely conscious of the significance of Barger's preliminary work, realizing, as it did, that his analysis indicated that there possibly were too many shots, spaced too closely together,[5] for Lee Harvey Oswald to have fired all of them, and that one of the shots came from the grassy knoll, not the Texas School Book Depository.

The committee's awareness that it might have evidence that Oswald was not a lone assassin affected the manner in which it conducted the subsequent phase of the investigation. For example, it was deemed judicious to seek an independent review of Barger's analysis before proceeding with the acoustical reconstruction. So, in July 1978, the committee contacted the Acoustical Society of America to solicit recommendations for persons qualified to review the BBN analysis and the proposed Dallas reconstruction. The society recommended a number of individuals, and the committee selected Prof. Mark Weiss of Queens College of the City University of New York and his research associate, Ernest Aschkenasy. Professor Weiss had worked on numerous acoustical projects. He had served, for example, on the panel of technical experts appointed by Judge John J. Sirica to examine the White House tape recordings in conjunction with the Watergate grand jury investigation. Aschkenasy had specialized in developing computer programs for analyzing large volumes of acoustical data.

Weiss and Aschkenasy reviewed Barger's analysis and conclusions and concurred with them. In addition, they agreed that the acoustical reconstruction was necessary, (*20*) and they approved Barger's plan for conducting it.

The committee authorized an acoustical reconstruction, to be conducted on August 20, 1978. Four target locations were selected, based on: (*21*)

> The estimated positions of the Presidential limousine according to a correlation of the channel 1 transmissions with the Zapruder film, indicating that the first shot was fired between Zapruder frames 160 and 170 and that the second shot was fired between Zapruder frames 190 and 200; [6]
>
> The position of the President at the time of the fatal head shot (Zapruder frame 312); and

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[5] For example, the time between two of the impulse patterns that might represent gunfire was less than a second, too brief an interval to have permitted Oswald to fire two shots.

[6] The committee ultimately determined that the shots were fired a few Zapruder frames earlier than it believed to be the case in August 1978.

Evidence that a curb in Dealey Plaza may have been struck by a bullet during the assassination.

Two shooter locations were selected for the reconstruction:(*22*)

The sixth floor southeast corner window of the Texas School Book Depository, since substantial physical evidence and witness testimony indicated shots were fired from this location; and

The area behind a picket fence atop the grassy knoll, since there was considerable witness testimony suggesting shots were fired from there.[7]

A Mannlicher-Carcano rifle was fired from the depository, since it was the type of weapon found on the sixth floor on November 22, 1963. (*23*) Both a Mannlicher-Carcano (chosen mainly because it fires a medium velocity supersonic bullet) and a pistol, which fires a subsonic bullet, were fired from the grassy knoll, since there was no evidence in August 1978 as to what type of weapon, if any, may have been fired from there on November 22, 1963.[8](*24*) Microphones to record the test shots were placed every 18 feet in 36 different locations along the motorcade route where a motorcycle could have been transmitting during the assassination.(*25*)

A recording was made of the sounds received at each microphone location during each test shot, making a total of 432 recordings of impulse sequences (36 microphone locations times 12 shots), or "acoustical fingerprints," for various target-shooter-microphone combinations. Each recorded acoustical fingerprint was then compared with each of the six impulse patterns on the channel 1 dispatch tape to see if and how well the significant points in each impulse pattern matched up. The process required a total of 2,592 comparisons (432 recordings of impulse sequences times six impulse patterns), an extensive effort that was not completed until 4 days before Barger was to testify at a committee public hearing on September 11, 1978.(*26*)

The time of the arrival of the impulses, or echoes, in each sequence of impulses was the characteristic being compared, not the shape, amplitude or any other characteristic of the impulses or sequence.(*27*) If a point (representing time of arrival of an echo) in a sequence of the 1963 dispatch tape could be correlated within ±6/1,000 of a second to a point in a sequence of the reconstruction, it was considered a match. (*28*)

A ±6/1,000 of a second "window" was chosen, because the exact location of the motorcycle was not known. Since the microphones were placed 18 feet apart in the 1978 reconstruction, no microphone was expected to be in the exact location of the motorcycle microphone during the assassination in 1963. Since the location was not apt to be exactly the same, and the time of arrival of the echo is unique at each spot, the ±6/1,000 of a second "window" would allow for the contingency that the motorcycle was near, but not exactly at, one of the microphone locations selected for the reconstruction.(*29*)

Those sequences of impulses that had a sufficiently high number of points that matched (a "score" or correlation coefficient of .6 or higher) were considered significant.(*30*) The "score" or correlation

[7] The committee noted the absence of physical evidence of shots from the grassy knoll.
[8] As is discussed *infra*, there are important differences between the impulse patterns caused by a subsonic bullet, as opposed to a supersonic bullet.

coefficient was set at this level to insure finding all sequences that might represent a true indication that the 1963 dispatch tape contained gunfire. Setting it at this level, however, also allowed a sequence of impulses on the dispatch tape that might have been caused by random noise or other factors to be considered a match and therefore significant.(*31*) Such a match, since it did not in fact represent a true indication of gunfire on the 1963 dispatch tape, would be considered an "invalid match."(*32*)

Of the 2,592 comparisons between the six sequences of impulses on the 1963 police dispatch tape and the sequences obtained during the acoustical reconstruction in August 1978, 15 had a sufficient number of matching points (a correlation coefficient of .6 or higher) to be considered significant.(*33*) The first and sixth sequence of impulses on the dispatch tape had no matches with a correlation coefficient over .5. The second sequence of impulses on the dispatch tape had four significant matches, the third sequence had five, the fourth sequence had three, and the fifth sequence had three.(*34*) Accordingly, impulses one and six on the dispatch tape did not pass the most rigorous acoustical test and were deemed not to have been caused by gunfire from the Texas School Book Depository or grassy knoll.(*35*) Additional analysis of the remaining four impulse sequences was still necessary before any of them could be considered as probably representing gunfire from the Texas School Book Depository or the grassy knoll.

The locations of the microphones that recorded the matches in the 1978 reconstruction were plotted on a graph that depicted time and distance. It was observed that the location of the microphones at which matches were recorded tended to cluster around a line on the graph that was, in fact, consistent with the approximate speed of the motorcade (11 mph), as estimated from the Zapruder film.(*36*) For example, of the 36 microphones placed along the motorcade route, the one that recorded the sequence of impulses that matched the third impulse on the 1963 dispatch tape was farther along the route than the one that recorded the impulses that matched the second impulse on the dispatch tape. The location of the microphones was such, it was further observed, that a motorcycle traveling at approximately 11 miles per hour would cover the distance between two microphones in the elapsed time between impulses on the dispatch tape. This relationship between the location of the microphones and the time between impulses was consistent for the four impulses on the dispatch tape, a very strong indication, the committee found, that the impulses on the 1963 dispatch tape were picked up by a transmitter on a motorcycle or other vehicle as it proceeded along the motorcade route. Applying a statistical formula, Barger estimated that since the microphones clustered around a line representing the speed of the motorcade, there was a 99 percent probability that the Dallas police dispatch tape did, in fact, contain impulses transmitted by a microphone in the motorcade in Dealey Plaza during the assassination.(*37*)

Some of the matches found between the 1978 reconstruction and the dispatch tape were, however, thought to be clearly "invalid," that is, they did not represent a true indication of gunfire from the Texas School Book Depository or the grassy knoll. In one case, for example, there was a match for a shot in the reconstruction that had been aimed

at a target located in a different direction from where the Presidential limousine was located at the moment, the limousine's location having been established by a correlation of the dispatch tape and the Zapruder film.(*38*) Only an unlikely misfire could explain why an assassin would fire in the opposite direction. By applying similar principles of logic, six matches were ruled out. This left three matches for impulse pattern one, three for impulse pattern two, one for impulse pattern three and two for impulse pattern four.(*39*) The remaining matches for impulse patterns one, two and four on the dispatch tape were for rifle firings from the Texas School Book Depository in the 1978 reconstruction, while the match for impulse pattern three was for a rifle firing from the grassy knoll.

These matches did not, however, prove conclusively that the impulses on the 1963 dispatch tape did, in fact, represent gunfire from the book depository or grassy knoll. There still was a chance that random or other noise could have produced the pattern on the dispatch tape that matched the pattern obtained in the reconstruction, therefore being invalid as well. Based on statistical probabilities, including the observation that the locations of the microphones that picked up the matching impulse patterns tended to cluster along a line on the graph that approximated the speed of the motorcycle, Barger estimated there was a 50 percent chance that any one of the matches was invalid.(*40*) Consequently, Barger testified before the committee in September 1978 that the probability of there having been a shot from the grassy knoll was only 50 percent.(*41*) He based this estimate on there being only one match for impulse three, combined with his conclusion that there was a 50–50 chance that any one match, including the one for impulse pattern three, had been caused by random noise and was invalid.(*42*) (Barger was also saying, however, that if the match for impulse pattern three was valid, it meant that a shot was fired at President Kennedy from the grassy knoll.)[9]

(2) *Weiss-Aschkenasy analysis.*—In mid-September 1978, the committee asked Weiss and Aschkenasy, the acoustical analysts who had reviewed Barger's work, if they could go beyond what Barger had done to determine with greater certainty if there had been a shot from the grassy knoll. Weiss and Aschkenasy conceived an analytical extension of Barger's work that might enable them to refine the probability estimate.(*45*) They studied Dealey Plaza to determine which structures were most apt to have caused the echoes received by the microphone in the 1978 acoustical reconstruction that had recorded the match to the shot from the grassy knoll. They verified and refined their identifications of echo-generating structures by examining the results of the reconstruction. And like BBN, since they were analyzing the arrival time of echoes, they made allowances for the temperature differential, because air temperature affects the speed of sound.(*46*) Barger then reviewed and verified the identification of echo-generating sources by Weiss and Aschkenasy.(*47*)

Once they had identified the echo-generating sources for a shot from the vicinity of the grassy knoll and a microphone located near the

[9] With respect to the other shots, Barger estimated there was an 88 percent chance that impulse pattern one represented a shot from the book depository (based on three matches), 88 percent again for impulse pattern two (three matches) and a 75 percent chance that impulse pattern four represented a shot from the depository (two matches). (*43*) At the time of his testimony in September 1978, Barger estimated that the probability of all four impulses actually representing gunshots was only 29 percent. (*44*)

point indicated by Barger's tests, it was possible for Weiss and Aschkenasy to predict precisely what impulse sequences (sound fingerprints) would have been created by various specific shooter and microphone locations in 1963.(*48*) (The major structures in Dealey Plaza in 1978 were located as they had been in 1963.) Weiss and Aschkenasy determined the time of sound travel for a series of sound triangles whose three points were shooter location, microphone location and echo-generating structure location. While the location of the structures would remain constant, the different combinations of shooter and microphone locations would each produce a unique sound travel pattern, or sound fingerprint.(*49*) Using this procedure, Weiss and Aschkenasy could compare acoustical fingerprints for numerous precise points in the grassy knoll area with the segment identified by Barger on the dispatch tape as possibly reflecting a shot fired from the knoll.(*50*) [10]

Because Weiss and Aschkenasy could analytically construct what the impulse sequences would be at numerous specific shooter and microphone locations, they decided to look for a match to the 1963 police dispatch tape that correlated to within ±1/1,000 of a second, as opposed to ±6/1,000 of a second, as Barger had done.(*51*) By looking for a match with such precision, they considerably reduced the possibility that any match they found could have been caused by random or other noise,(*52*) thus substantially reducing the percentage probability of an invalid match.

Weiss and Aschkenasy initially pinpointed a combination of shooter-microphone locations for which the early impulses in pattern three matched those on the dispatch tape quite well, although later impulses in the pattern did not. Similarly, they found other microphone locations for which later impulses matched those on the dispatch tape, while the earlier ones did not. They then realized that a microphone mounted on a motorcycle or other vehicle would not have remained stationary during the period it was receiving the echoes. They computed that the entire impulse pattern or sequence of echoes they were analyzing on the dispatch tape occurred over approximately three-tenths of a second, during which time the motorcycle or other vehicle would have, at 11 miles per hour, traveled about five feet. By taking into account the movement of the vehicle, Weiss and Aschkenasy were able to find a sequence of impulses representing a shot from the grassy knoll in the reconstruction that matched both the early and late impulses on the dispatch tape.(*53*)

Approximately 10 feet from the point on the grassy knoll that was picked as the shooter location in the 1978 reconstruction and four feet from a microphone location which, Barger found, recorded a shot that matched the dispatch tape within ±6/1,000 of a second, Weiss and Aschkenasy found a combination of shooter and microphone locations they needed to solve the problem. It represented the initial position of a microphone that would have received a series of impulses matching those on the dispatch tape to within ±1/1,000 of a second. The microphone would have been mounted on a vehicle that was moving along the motorcade route at 11 miles per hour.(*54*)

Weiss and Aschkenasy also considered the distortion that a windshield might cause to the sound impulses received by a motorcycle

[10] Weiss and Aschkenasy examined only the impulse sequence that Barger indicated had come from the grassy knoll. Due to time constraints, they did not analyze the three impulse sequences indicating shots fired from the Texas School Book Depository.

microphone. They reasoned that the noise from the initial muzzle blast of a shot would be somewhat muted on the tape if it traveled through the windshield to the microphone. Test firings conducted under the auspices of the New York City Police Department confirmed this hypothesis. Further, an examination of the dispatch tape reflected similar distortions on shots one, two, and three, when the indicated positions of the motorcycle would have placed the windshield between the shooter and the microphone.[11] On shot four, Weiss and Aschkenasy found no such distortion.(*55*) The analysts' ability to predict the effect of the windshield on the impulses found on the dispatch tape, and having their predictions confirmed by the tape, indicated further that the microphone was mounted on a motorcycle in Dealey Plaza and that it had transmitted the sounds of the shots fired during the assassination.

Since Weiss and Aschkenasy were able to obtain a match to within ±1/1,000 of a second, the probability that such a match could occur by random chance was slight. Specifically, they mathematically computed that, with a certainty factor of 95 percent or better, there was a shot fired at the Presidential limousine from the grassy knoll.(*56*)

Barger independently reviewed the analysis performed by Weiss and Aschkenasy and concluded that their analytical procedures were correct.(*57*) Barger and the staff at BBN also confirmed that there was a 95 percent chance that at the time of the assassination a noise as loud as a rifle shot was produced at the grassy knoll. When questioned about what could cause such a noise if it were not a shot, Barger noted it had to be something capable of causing a very loud noise—greater than a single firecracker.(*58*) Further, given the echo patterns obtained, the noise had to have originated at the very spot behind the picket fence on the grassy knoll that had been identified,(*59*) indicating that it could not have been a backfire from a motorcycle in the motorcade.(*60*)

In addition, Barger emphasized, the first part of the sequence of impulses identified as a shot from the grassy knoll was marked by an N–wave, a characteristic impulse caused by a supersonic bullet. (*61*) The N–wave, also referred to as a supersonic shock wave, travels faster than the noise of the muzzle blast of a gun and therefore arrives at a listening device such as a microphone ahead of the noise of a muzzle blast. The presence of the N–wave was, therefore, a significant additional indication that the third impulse on the police dispatch tape represented gunfire, and, in particular, a supersonic bullet.(*62*) The weapon may well have been a rifle, since most pistols—except for some, such as a .44 magnum—fire subsonic bullets.

The N–wave was further substantiation for a finding that the third impulse represented a shot fired in the direction of the President. Had the gun been discharged when aimed straight up or down, or away from the motorcade, no N–wave would have appeared.(*63*) Of the impulse patterns on the dispatch tape that indicated shots from the book depository, those that would be expected to contain an N–wave, given the location of the vehicle's microphone, did so, further corroborating the conclusion that these impulses did represent supersonic bullets.(*64*)

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[11] The motorcycle was traveling 120 feet behind the Presidential limousine when the shots were fired. This put shots one and two from the book depository, as well as shot three from the grassy knoll, in front of the motorcycle windshield.

When questioned about the probability of the entire third impulse pattern representing a supersonic bullet being fired at the President from the grassy knoll, Barger estimated there was a 20 percent chance that the N–wave, as opposed to the sequence of impulses following it, was actually caused by random noise.(*65*) Accordingly, the mathematical probability of the entire sequence of impulses actually representing a supersonic bullet was 76 percent, the product of a 95 percent chance that the impulse pattern represented noise as loud as a rifle shot from the grassy knoll times an 80 percent chance that the N–wave was caused by a supersonic bullet.(*66*)

The committee found no evidence or indication of any other cause of noise as loud as a rifle shot coming from the grassy knoll at the time the impulse sequence was recorded on the dispatch tape, and therefore concluded that the cause was probably a gunshot fired at the motorcade.

(3) *Search for a motorcycle.*—As the work of Weiss and Aschkenasy produced strong indications of a shot from the grassy knoll, the committee began a search of documentary and photographic evidence to determine if a motorcycle or other vehicle had been in the locations indicated by the acoustical tests.

Earlier in its investigation, the committee had interviewed many Dallas police officers who had ridden in the Presidential motorcade, although the purpose of the interviews was not to determine the location of a motorcycle that might have had its radio transmitting switch stuck in the "on" position. Among the officers who were interviewed, one who subsequently testified in a public hearing was H. B. McLain. In his interview on September 26, 1977, McLain said that he had been riding to the left rear of Vice President Johnson's car and that just as he was completing his turn from Main onto Houston Street, he heard what he believed to have been two shots.(*67*) Sergeant Jimmy Wayne Courson was also interviewed on September 26, 1977. He stated that his assignment in the motorcade was in front of the press bus, approximately six or seven cars to the rear of the Presidential limousine, and that as he turned onto Houston Street, he heard three shots about a second apart.(*68*) Neither officer was asked specifically whether his radio was on channel one or two, or whether his microphone switch might have been stuck in the transmit position.

The committee obtained Dallas Police Department assignment records confirming that McLain and Courson had both been assigned to the left side of the motorcade,(*69*) and it discovered photographic evidence(*70*) that Courson was riding to the rear of McLain, and, as Courson recalled,(*71*) he was in the vicinity of the press bus. The available films revealed that throughout the motorcade the spacing of the motorcycles varied, but that McLain was generally several car lengths ahead of Courson and therefore much closer to the Presidential and Vice Presidential limousines.(*72*) No photographs of the precise locations of the two officers at the moment of the assassination were, at that time, found. Photographs taken shortly before the assassination, however, did indicate that McLain was on Houston Street heading toward Elm as the Presidential limousine was turning onto Elm in front of the Texas School Book Depository.[12](*73*) At the time of the assassina-

[12] Subsequent to the committee's final vote on its findings, additional photographic evidence of the actions of Officer McLain was received by the committee from Robert Groden, a consultant to the committee.(*74*) It supported the committee's conclusion with respect to McLain's testimony, but since it was not received until after the vote, it was not relied upon in this report.

tion, therefore, he would have been in the approximate position of the transmitting microphone, as indicated by the acoustical analysis.

The committee reviewed transcripts of the Dallas police dispatch tapes for both channel one and channel two. It did not find any voice transmissions from McLain on either channel on November 22 1963. (As noted, it was determined that the shots fired during the assassination were recorded over channel one. If it could have been established that McLain was transmitting over channel two, then the gunfire transmissions could not have come from his motorcycle radio.)

McLain was asked by the committee to come to Washington to testify. He was shown all of the photographic evidence that the committee had assembled, as well as the Dallas police records of the motorcade assignments. McLain testified before the committee on December 29, 1978, that he was assigned to ride on the left side of the motorcade; that since he would slow down at corners, often stopping momentarily, and then speed up during straight stretches, his exact position in the motorcade varied; and that he was the first motorcycle to the rear of the Vice Presidential limousine. (*75*)

He further stated that he was the officer in the photographs taken of the motorcade on Main and Houston Streets, and that at the time of the assassination he would have been in the approximate position of the open microphone near the corner of Houston and Elm, indicated by the acoustical analysis.(*76*) He did not recall using his radio during the motorcade nor what channel it was tuned to on that day.(*77*) He stated it usually was tuned to channel one.(*78*) The button on his transmitter receiver, he acknowledged, often got stuck in the "on" position when he was unaware of it, but he did not know if it was stuck during the motorcade.(*79*)

McLain testified before the committee that he recalled hearing only one shot and that he thereafter heard Chief Curry say to go to the hospital.(*80*) McLain testified it was possible that he heard the broadcast of Chief Curry (which would have been on channel two) over the speaker of his own radio, or over the speaker of the radio of another motorcycle.(*81*)

Following the hearing, the committee secured a copy of the daily assignment sheet for motorcycles from the Dallas Police Department and found that McClain had been assigned motorcycle number 352 and call sign 155 on November 22, 1963.(*82*) Preliminary photographic enhancement of the films taken on Houston and Main Streets indicated that the number on the rear of the motorcycle previously identified as having been ridden by McLain was, in fact, 352.(*83*) [13]

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[13] During his public testimony, McLain also identified photographs of motorcycles on Elm Street (JFK Exhibit F–675), and at Parkland Hospital (JFK Exhibits 674, 676, 677, and 678) as possibly portraying his motorcycle. One of the pictures at Parkland Hospital (JFK Exhibit F–674) apparently indicates that the microphone button was turned to channel one. With respect to the photograph on Elm Street, McLain stated that the other motorcycle in the picture appeared to be ridden by Sergeant Courson. At that time, counsel cautioned that the photographs were being introduced for a limited purpose, since they had not been analyzed by any photographic experts; it was unclear if the cycle in each photograph was that of McLain; and the channel selector, even if it was on channel one, could have been switched after the shots were fired. Preliminary photographic analysis of those pictures conducted by one expert in the time available after the hearing cast doubt upon the accuracy of at least McLain's identification of Courson in Exhibit F–675, and indicated that the channel selector on the motorcycle in Exhibit F–674 may have been on channel two instead of one. Because the committee was unable to conduct comprehensive and thorough analyses of those photographs, it did not rely on Exhibits F–674, F–675, F–676, F–677 or F–678 in forming any conclusions.

The committee recognized that its acoustical analysis first established and then relied on the fact that a Dictabelt had recorded transmissions from a radio with a stuck microphone switch located in Dealey Plaza. The committee realized that the authenticity of the tape and the location of the stuck microphone were both of great importance to the acoustical analysis. Consequently, it sought to verify that the tape in fact contained a broadcast from an open motorcycle microphone in Dealey Plaza during the assassination.

The findings of the acoustics experts may be challenged by raising a variety of questions, questions prompted, for example, by the sound of sirens on the tape,(*84*) by statements by Officer McLain subsequent to his hearing testimony in which he denied that it was his radio that was transmitting, (*85*) by what appears to be the sound of a carillon bell on the tape,(*86*) and by the apparent absence of crowd noise. The committee carefully considered these questions as they bore on the authenticity of the tape and the location of the stuck microphone.

Approximately 2 minutes after the impulse sequences that, according to the acoustical analysis, represent gunfire, the dispatch tape contains the sound of sirens for approximately 40 seconds. The sirens appear to rise and then recede in intensity, suggesting that the position of the microphone might have been moving closer to and then farther away from the sirens, or that the sirens were approaching the microphone and then moving away from it.(*87*)

If the sirens were approaching the microphone and then moving away from it, it could be suggested that the motorcycle with the stuck transmitter was stationary on the Stemmons Freeway and not in Dealey Plaza. The sirens would appear to increase and then decrease as some vehicles in the motorcade, with their sirens turned on, drove along the freeway on the way to Parkland Hospital, approaching and then passing by the motorcycle with the stuck microphone. According to a transcript of channel two transmissions, approximately 3½ minutes after the assassination Dallas Police Department dispatcher Gerald D. Henslee stated that an unknown motorcycle on Stemmons Freeway appeared to have its microphone switch stuck open on channel one.(*88*) The committee interviewed Henslee on August 12, 1978. He told the committee he had assumed the motorcycle was on the freeway from the noise of the sirens.(*89*) Other Dallas police officers have also speculated that the motorcycle may have been standing near the Trade Mart.

Officer McLain's acknowledged actions subsequent to the assassination might explain the sound of sirens on the tape. McLain was in fact probably on Stemmons Freeway at the time Henslee noted that an unknown motorcycle appeared to have its microphone switch stuck open. McLain himself testified that following the assassination, he sped up to catch the front cars of the motorcade that had entered Stemmons Freeway en route to Parkland Hospital.(*90*) In any event, it is certain he left the plaza shortly after the assassination. The cars in the motorcade had their sirens on, and this could account for the sound of the sirens increasing as McLain drew closer to them, whether he left Dealey Plaza immediately or shortly after the assassination.[14] A

[14] McLain's microphone was so constructed that it would pick up only the siren of the motorcycle on which it was mounted or one of a motorcycle or other vehicle that was no more than 300 feet away.

variety of other actions might also account for the sound appearing to recede. Officer McLain might have fallen back after catching the cars, he might have passed by the cars, or he might have arrived at the hospital shortly after catching up, at a time when the sirens were being turned down as the cars approached the hospital.

Subsequent to his hearing testimony, McLain stated that he believed he turned on his siren as soon as he heard Curry's order to proceed to Parkland Hospital. He said that everyone near him had their sirens on immediately.(*91*) Should his memory be reliable, the broadcast of the shots during the assassination would not have been over his radio, because the sound of sirens on the tape does not come until approximately 2 minutes later. The committee believed that McLain was in error on the point of his use of his siren. Since those riding in the motorcade near Chief Curry had their sirens on, there may have been no particular need for McLain to turn his on, too. The acoustical analysis pinpointing the location of the microphone, the confirmation of the location of the motorcycle by photographs, his own testimony as to his location, and his slowing his motorcycle as it rounded the corner of Houston and Elm (as had been previously indicated by the acoustical analysis),(*92*) and the likelihood that McLain did not leave the plaza immediately, but lagged behind momentarily after the assassination, led the committee to conclude it was Officer McLain whose radio microphone switch was stuck open.

Further, the committee noted, it would have been highly improbable for a motorcycle on Stemmons Freeway to have received the echo patterns for the four impulses that appear on the dispatch tape. As noted in more detail below, to contend that the microphone was elsewhere carries with it the burden of explaining all that appears on the tape. To be sure, those who argue the microphone was in Dealey Plaza must explain the sounds that argue it was not. Similarly, those who contend it was not in Dealey Plaza must explain the sounds that indicate it was. As Aschkenasy testified, the echo patterns on the tape would only have been received by a microphone located in a physical environment with the same acoustical characteristics as Dealey Plaza.(*93*) It is extremely unlikely that the echo patterns on the tape, if received from elsewhere, would so closely parallel the echo patterns characteristic of Dealey Plaza.

The tape contains the faint sound of a carillon-like bell about 7 seconds after the last impulse believed to have been a shot, but no such bell was known to have been in the vicinity of Dealey Plaza. Accordingly, the possibility that the motorcycle with the stuck radio transmitter might not have been in Dealey Plaza was considered. The committee found that the radio system used by the Dallas Police Department permitted more than one transmitter to operate at the same time, and this frequently occurred.(*94*) The motorcycle whose radio transmitted the sound of a bell was apparently not positioned in Dealey Plaza, but this did not mean that the transmissions of gunshots were also from a radio not in Dealey Plaza. The logical explanation was that the dispatch tape contains the transmissions of two or more radios.(*95*)

The absence of identifiable crowd noise on the tape also might raise questions as to whether the motorcycle with the stuck transmitter was in Dealey Plaza. The lack of recognizable crowd noise, however, may be explained by the transmission characteristics of the microphone.

Dallas police motorcycle radios were equipped with a directional microphone and were designed to transmit only very loud sounds. A human voice would transmit only if it originated very close to the front of the mike. The chief objective of this characteristic was to allow a police officer, when speaking directly into the microphone, to be heard over the sound of his motorcycle engine. Background noise, such as that of a crowd, would not exceed the noise level from the much closer motorcycle engine, and it would not be identifiable on a tape of the radio transmission. The sound of a rifle shot is so pronounced, however, that it would be picked up even if it originated considerably farther away from the microphone than other less intense noise sources, such as a crowd. (*96*)

(*c*) *Other evidence with respect to the shots*

To address further the question of whether the dispatch tape contained sounds from a microphone in Dealey Plaza with a stuck transmitting switch, the committee reviewed independent evidence. It reasoned that if the timing, number and location of the shooters, as shown on the tape, were corroborated or independently substantiated in whole or in part by other scientific or physical evidence—that is, the Zapruder film, findings of the forensic pathology and firearms panels, the neutron activation analysis and the trajectory analysis—the validity of the acoustical analysis and the authenticity of the tape could be established. Conversely, any fundamental inconsistency in the evidence would undermine the analysis and the authenticity of the tape.

The tape and acoustical analysis indicated that, in addition to the shot from the knoll, there were three shots fired at President Kennedy from the Texas School Book Depository. This aspect of the analysis was corroborated or independently substantiated by three cartridge cases found on the sixth floor of the Texas School Book Depository on November 22, 1963, cartridge cases that had been fired in Oswald's rifle, (*97*) along with other evidence related to the number of shots fired from Oswald's rifle. This corroboration was considered significant by the committee, since it tended to prove that the tape did indeed record the sounds of shots during the assassination.

Further corroboration or substantiation was sought by correlating the Zapruder film to the acoustical tape. The Zapruder film contains visual evidence that two shots struck the occupants of the Presidential limousine. (*98*) The committee attempted to correlate the observable reactions of President Kennedy and Governor Connally in the film to the time spacing of the four impulses found in the recording of the channel one transmission. The correlation between the film and the recording, however, could only be approximate because it was based on the estimated real-time characteristics of the recording (calculated from the frequent time annotations made by the dispatcher) (*99*) and the average running time of the film (between 18.0 and 18.5, or an average of 18.3 frames per second).[15]

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[15] The 18.3 frame per second rate of the Zapruder film was an average of the 18.0 to 18.5 frame per second rate determined in 1964 by the FBI under laboratory conditions in which the camera was set and run in the manner that Zapruder said he had operated it at the time of the assassination. (*100*) Given the 18.0 to 18.5 frame per second average running speed of the film, a differential of four frames is a differential of less than a quarter of a second. For this reason, an absolute correlation between events in the recording and the observable reactions on the film was not expected. If there were no reasonable correlation between the tape and film, however, substantial questions concerning the authenticity of the tape could be raised. (A more detailed explanation of the calculation of Zapruder frames based on the running speeds of the camera is set forth in vol. V of the HSCA–JFK hearings, at pp. 722–724.)

The committee correlated the film to the tape in two ways. The first assumed the fourth shot was the fatal head shot to the President and occurred at frame 312. Its results are as follows: (*101*)

	Channel time	Bullet reached limousine at Zapruder frame No.	Acoustical determination of source of impulse
Impulse pattern I	12:30:47.0	157–161	TSBD.
Impulse pattern II	12:30:48.6	188–191	TSBD.
Impulse pattern III	12:30:54.6	295–296	Grassy knoll.
Impulse pattern IV	12:30:55.3	312	TSBD.

The committee believed that the fourth impulse pattern probably reepresented that fatal head shot to the President that hit at Zapruder frame 312. Nevertheless, the possibility of frame 312 representing the shot fired from the grassy knoll, with the fourth shot consequently occurring at frame 328, was also considered. The problem with this possibility is that it appeared to be inconsistent with other scientific evidence that established that all the shots that struck the President and the Governor came from the Texas School Book Depository.

The forensic pathology panel concluded that there was no evidence that the President or Governor was hit by a bullet fired from the grassy knoll and that only two bullets, each fired from behind, struck them. (*102*) Further, neutron activation analysis indicated that the bullet fragments removed from Governor Connally's wrist during surgery, those removed from the President's brain during the autopsy, and those found in the limousine were all very likely fragments from Mannlicher-Carcano bullets. (*103*) It was also found that there was evidence of only two bullets among all the specimens tested—the fragments removed from Governor Connally's wrist during surgery were very likely from the almost whole bullet found on the stretcher at Parkland Hospital, and the fragments removed from the President's brain during the autopsy very likely matched bullet fragments found in the limousine. (*104*) The neutron activation analysis findings, when combined with the finding of the committee that the almost whole bullet found on the stretcher at Parkland Hospital as well as the larger fragment found in the limousine were fired from Oswald's Mannlicher-Carcano rifle, (*105*) established that only two bullets struck the President and the Governor, and each was fired from the rifle found on the sixth floor of the Texas School Book Depository and owned by Oswald.

The committee considered whether proper synchronization of the tape to the film should assume that the shot from the grassy knoll hit the President at Zapruder from 312. It did so because Dr. Michael Baden, chairman of the committee's forensic pathology panel, acknowledged there was a possibility, although highly remote, that the head wound depicted in Zapruder frame 312 could have been caused by a shot from the grassy knoll, and that medical evidence of it had been destroyed by a shot from the rear a fraction of a second later. (*106*) [16] The

[16] In addition, the blur analysis conducted by the photographic evidence panel appeared to be more consistent with the grassy knoll shot striking the President. The analysis reflected no significant panning errors by Zapruder after frame 296. Such errors would have been expected if the third (grassy knoll) shot occurred 0.7 second before the fatal head shot. Assuming the head shot was the grassy knoll shot, Zapruder made significant panning errors after both the third and fourth shots. (See Blur Analysis, Appendix to the HSCA–JFK hearings, vol. VI, par. 81ff.)

significance of this, the committee reasoned, was the realization that it could mean that the President's fatal head wound was caused by the shooter from the grassy knoll, not Oswald.

Since the medical, ballistics and neutron activation analysis evidence, taken together, established that the President was struck by two bullets fired from Oswald's rifle found on the sixth floor of the Texas School Book Depository, the committee sought to determine if such shots could have struck the President, given the known position of his body, even if the grassy knoll shot struck him at Zapruder frame 312. The results of correlating the acoustical tape to the film, assuming the shot from the knoll was at Zapruder frame 312, are as follows: (*107*)

	Zapruder frame	Acoustical determination of origin
Impulse pattern I	173–177	TSBD.
Impulse pattern II	205–208	TSBD.
Impulse pattern III	312	Grassy knoll.
Impulse pattern IV	328–329	TSBD.

It was determined by medical, ballistics and neutron activation evidence that the President was struck in the head by a bullet fired from a rifle found on the sixth floor of the Texas School Book Depository. For that bullet to have destroyed the medical evidence of the President being hit at Zapruder frame 312, it would have had to have struck at Zapruder frame 328–329. But a preliminary trajectory analysis, based on the President's location and body position at frame 328–329 failed to track to a shooter in the sixth floor southeast corner window of the depository within a minimum margin of error radius,(*108*) thus indicating it was highly unlikely the President was struck in the head at Zapruder frame 328 by a shot fired from the sixth floor southeast corner window of the depository. Further, there is no visual evidence in the Zapruder film of the President being struck in the head at Zapruder frames 173–177 or 205–208, the frames at which shots one and two would have been fired if the shot from the knoll was a hit to the head at frame 312. Accordingly, if the shot from the grassy knoll occurred at frame 312, no shot fired from the Texas School Book Depository would have struck the President in the head at any time. Such a finding is contrary to the weight of the scientific evidence. The committee concluded, therefore, that the shot fired from the grassy knoll was not the shot visually represented at Zapruder frame 312; that the shot from the grassy knoll missed President Kennedy; [17] and that the most accurate synchronization of the tape and the film would be one based on a correlation of impulse pattern four on the tape with the fatal head shot to the President at frame 312 of the Zapruder film. When the tape and film are so synchronized, the sequence on the film corroborated or substantiated the timing of the shots indicated on the 1963 tape.

According to the more logical synchronization, the first shot would have occurred at approximately Zapruder frame 160. This would also

[17] The committee noted there was no physical evidence of where a shot from the grassy knoll might have hit. Since a shot from the Texas School Book Depository hit the President in the head less than one second after the shot from the knoll, there would have been little apparent reason for a gunman on the knoll to fire a second shot.

be consistent with the testimony of Governor Connally, who stated that he heard the first shot and began to turn in response to it. (*109*) His reactions, as shown in Zapruder frames 162–167, reflect the start of a rapid head movement from left to right. (*110*)

The photographic evidence panel's observations were also relevant to the acoustics data that indicated that the second shot hit the limousine's occupants at about Zapruder frames 188–191. The panel noted that at approximately Zapruder frame 200 the President's movements suddenly freeze, as his right hand seemed to stop abruptly in the midst of a waving motion. Then, during frames 200–202, his head moves rapidly from right to left. The sudden interruption of the President's hand-waving motion, coupled with his rapid head movements, was considered by the photographic panel as evidence of President Kennedy's reaction to some "severe external stimulus." (*111*)

Finally, the panel observed that Governor Connally's actions during frames 222–226, as he is seen emerging from behind the sign that obstructed Zapruder's view, indicated he was also reacting to some "severe external stimulus." [18] (*112*) Based upon this observation and upon the positions of President Kennedy and Governor Connally within the limousine, the panel concluded that the relative alinement of the two men was consistent with the theory that they had been struck by the same bullet. (*113*)

The forensic pathology panel, with one member in dissent, stated that the medical evidence was consistent with the hypothesis that a single bullet caused the wounds to the Governor and the President. (*114*)

The committee conducted a trajectory analysis for the shot that it ultimately concluded struck both the Governor and the President. It was based on the location of the limousine and the body positions of President Kennedy and Governor Connally at Zapruder frame 190 and the bullet's course as it could be determined from their wounds.[19] When President Kennedy's entry and exit wounds were used as reference points for the trajectory line, it intersected the Texas School Book Depository within a 13-foot radius of a point approximately 14 feet west of the building's southeast corner and approximately 2 feet below the sixth floor window-sills. (*115*) When President Kennedy's exit wound and Governor Connally's entrance wound were used as the reference points for the trajectory line, it intersected the Texas School Book Depository within a 7-foot radius of a point approximately 2 feet west of the southeast corner and 9 feet above the sixth floor window sills. (*116*)

The committee's examination of the synchronization of the tape to the Zapruder film, therefore, demonstrated that the timing of the impulses on the tape matched the timing of events seen in the film. Further, the other scientific evidence available to the committee was

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[18] The panel reached no conclusion concerning Governor Connally's reactions, if any, from Zapruder frame 207 to frame 221, since during this .82-second interval he was behind the sign that obstructed Zapruder's field of view. Connally could conceivably have started his reaction at frames 200–206, but too little of his body is visible during these frames to permit such a finding.

[19] Because the committee concluded that the shot from the grassy knoll did not hit the President at Zapruder frame 312, it did not undertake a trajectory analysis for the second shot from the depository, one that would have occurred in the area of Zapruder frames 205–208 if the shot from the grassy knoll had hit the President at Zapruder frame 312.

consistent with the reactions viewed in the film and the timing of the shots indicated by the acoustical analysis. The synchronization of the 1963 dispatch tape with the film, based on a fatal hit to the President's head at frame 312 having been fired from the Texas School Book Depository, along with related evidence, corroborated or independently substantiated that the tape is one of transmissions from a microphone that recorded the assassination in Dealey Plaza on November 22, 1963.

Despite the existence of adequate corroboration or substantiation of the tape's authenticity, the committee realized that other questions were posed by the timing sequence of the impulses on the tape. The acoustical analysis had indicated both the first and second impulse patterns were shots from the vicinity of Texas School Book Depository, but that there were only 1.66 seconds between the onset of each of these impulse patterns. The committee recognized that 1.66 seconds is too brief a period for both shots to have been fired from Oswald's rifle, given the results of tests performed for the Warren Commission that found that the average minimum firing time between shots was 2.3 seconds. (*117*)

The tests for the Warren Commission, however, were based on an assumption that Oswald used the telescopic sight on the rifle. (*118*) The committee's panel of firearms experts, on the other hand, testified that given the distance and angle from the sixth floor window to the location of the President's limousine, it would have been easier to use the open iron sights. (*119*) During the acoustical reconstruction performed for the committee in August, the Dallas Police Department marksmen in fact used iron sights and had no difficulty hitting the targets.

The committee test fired a Mannlicher-Carcano rifle using the open iron sights. It found that it was possible for two shots to be fired within 1.66 seconds. (*120*) One gunman, therefore, could have fired the shots that caused both impulse pattern 1 and impulse pattern 2 on the dispatch tape. The strongest evidence that one gunman did, in fact, fire the shots that caused both impulse patterns was that all three cartridge cases found on the sixth floor of the Texas School Book Depository came from Oswald's rifle. (*121*) In addition, the fragments from the two bullets that were found were identified as having been fired from Oswald's rifle. (*122*) Accordingly, the 1.66 seconds between the onset of the first and second impulse patterns on the tape are not too brief a period of time for both of these patterns to represent gunfire, and for Oswald to have been the person responsible for firing both shots.

To explore further whether the tape contained sounds transmitted from a microphone in Dealey Plaza, the committee reviewed evidence produced by its photographic evidence panel. The panel conducted a "jiggle analysis" of the Zapruder film on the theory that Zapruder's panning errors, which would be apparent as a blur in the film, might have been caused by his reaction to the sound of gunfire. An original jiggle analysis, performed without knowledge of the results of the acoustical analysis, showed strong indications of shots occurring at about frame 190 and at about frame 310. (*123*) The photographic evidence panel also noted some correlation between the acoustics results and a panning error reaction to the apparent sound of gunfire at about

frame 160. Little evidence of another shot was found in the jiggle analysis,[20] but the expert who performed it testified that since the third and fourth shots occurred within less than a second of each other, it might be difficult to differentiate between them. (*124*)

In summary, the various scientific projects indicated that there was a high probability that two gunmen were firing at the President. Scientifically, the existence of the second gunman was established only by the acoustical study, but its basic validity was corroborated or independently substantiated by the various other scientific projects.

The committee had its photographic evidence panel examine evidence that might also reveal that there was in fact more than one gunman shooting at the President. Each item of relevant photographic evidence available to the committee was evaluated to determine whether image enhancement techniques (digital image processing, photo-optical/chemical enhancement, and autoradiographic enhancement) might show additional gunmen. (*125*) As the use of nonoriginal photographic materials frequently introduces image distortion that precludes accurate photointerpretation, only original photographic materials were subjected to image enhancement techniques. (*126*) Similarly, since opaque film, such as photographic print paper, does not have the dynamic range (of brightness) of properly processed transparent film, it was not as suitable for enhancement. (*127*)

There was considerable witness testimony, as well as a large body of critical literature, that had indicated the grassy knoll as a source of gunshots. Accordingly, this area received particular emphasis in the photographic interpretation analysis. The panel directed its attention to that portion of the knoll that extended from the retaining wall situated by the pergola to the stockade fence to the west of the wall. This analysis included enhancement of photographs taken by Mary Moorman, Philip Willis and Orville Nix, as well as Zapruder.

Mary Moorman, a bystander, had taken a Polaroid photograph of the grassy knoll at approximately the time of Zapruder frame 313. (*128*) As far as the committee knew, it was the one photograph taken at the moment of the fatal head shot that showed the area that the acoustical analysis indicated was the location of the second gunman. Viewing the photograph with the naked eye, one could detect images that might be construed as something significant behind the stockade fence. These images may, however, only represent parts of a tree, or they may be photographic artifacts. Due to the poor quality of the photograph and its deterioration over the years, it was not possible to determine the nature of the images with the naked eye. The photograph, because of this poor quality and because it was taken on opaque film that is less suitable for photographic enhancement, was considered by the photographic evidence panel to be of limited usefulness. (*129*) Prior to the acoustical analysis, it was the subject of only limited clarification efforts, none of which involved computer technology. (*130*) Enhancement attempts in the region of the retaining wall produced no significant increase in detail and no evidence of any human form. (*131*) Because the stockade fence region of the photograph was of even

[20] Indication of a shot from the grassy knoll might have been expected in the jiggle analysis at about frame 295.

poorer quality than the retaining wall area, no enhancement attempts were recommended.(*132*) Subsequent to the acoustical analysis, the author of the section of the photographic evidence panel's report that addressed the question of whether there were other gunmen in Dealey Plaza indicated that the likelihood of successfully enhancing this print was extremely remote.(*133*)

The significance of the Moorman film may, therefore, be largely negative. It was not possible to draw anything positive from the film 15 years after it was taken. Nevertheless, if the film did not contain images that might be construed to be a figure behind the fence, it would be a troubling lack of corroboration for the acoustical analysis. At the same time, the committee noted, the Department of Justice might consider further enhancement, if it is deemed to be feasible.

Zapruder frame 413, showing a bush situated between Zapruder and the Presidential limousine, was also analyzed by the photographic evidence panel. Image enhancement techniques successfully established the presence of a human head visible among the leaves of the bush in Zapruder's field of view.(*134*) Photogrammetric analysis determined that this so-called gunman in the bush was actually located on the other side of the bush from Zapruder.(*135*) It is probably one of the men who can be seen in other photographs standing in the middle of the sidewalk that runs from the top of the grassy knoll down to Elm Street. Consequently, he was not, as had been alleged, in a position to have been a hidden gunman. Further, the linear feature associated with this person, alleged by Warren Commission critics to be a rifle, is actually in front of the leaves on the same side of the bush as Zapruder. (*136*) Analytical photogrammetry and image enhancement with special color analysis attributed this linear feature to natural surroundings. The narrow portion of the linear feature (the alleged rifle barrel) was established to be one of a number of twigs in the bush. (*137*) All of them were characterized by the same general direction and spacing, consistent with the natural growth patterns of the bush. (*138*) The thicker part of the linear feature (the alleged rifle "stock") was a hole in the bushes through which a portion of the Presidential limousine was visible.(*139*)

Willis photograph No. 5 was the third knoll photograph enhanced and evaluated by the panel. The relevant area of analysis was the retaining wall situated approximately 41 feet to the east of the point of the stockade fence that, according to the acoustics analysis, was the source of gunfire. A fleshtone comparison performed by analyzing measurements of color values on an object located behind the west end of the retaining wall confirmed that the image perceived was actually a human being.(*140*) The panel did perceive "a very distinct straight-line feature" near the region of this person's hands, but it was unable to deblur the image sufficiently to reach any conclusion as to whether the feature was, in fact, a weapon.(*141*)

Photographic enhancement of selected portions of a film taken by Orville Nix was also performed by the panel. One object in the vicinity of the retaining wall near the pergola was carefully studied, but the panel could not identify it as a human being and decided that the image was more likely the result of light and shadow patterns.(*142*)

The Nix frames analyzed included those that purportedly depict a gunman in a "classic" firing stance. This "individual" is located by the southwest corner of the pergola beyond the retaining wall, approximately 41 feet north of the point of the stockade fence that, according to the acoustics study, was the source of gunfire. The panel was able to conclude that this image was not, in fact, a human being. Its conclusion was based on both a shadow analysis and its inability to attribute flesh-ones or motion to the alleged gunman.(*143*)

None of the photographs of the grassy knoll that were analyzed by the photographic evidence panel revealed any evidence of a puff of smoke or flash of light,(*144*) as reported by several people in the crowd.

The committee's analysis of available photographic evidence, therefore, did not confirm or preclude the presence of a gunman firing at the President from behind the stockade fence on the grassy knoll. In addition to photographs of the knoll area, the committee enhanced photographic materials of the Texas School Book Depository taken by Robert Hughes, Tom Dillard, and James Powell. These were examined for any evidence with respect to the source of the shots fired from the depository, as well as any evidence of conspiratorial activity before or after the assassination. (The committee was not aware of the existence of any photographs of the sixth floor southeast corner window of the depository at the actual moment of the assassination.) The Hughes film, taken moments before the first shot was fired at the President, was enhanced for the purpose of determining whether any motion could be discerned in the sixth floor southeast corner window where Oswald was alleged to have been positioned. Although motion in this window was noted, the panel concluded that it was only apparent rather than real.(*145*) This conclusion was based upon the rapidity of the perceived motion, its lack of consistent direction, and the fact that the object disappears from view during a two-frame (approximately one-ninth of a second) sequence.(*146*) Accordingly, the motion was attributed to photographic artifact.(*147*) An appearance of motion in an adjacent set of windows was also attributed to a photographic artifact.(*148*)

The question of motion in both sets of windows is similarly raised by the film taken by Charles L. Bronson several minutes before the assassination. Because this film was not made available to the committee until December 2, 1978, it was not reviewed by the full panel. In a preliminary examination of the film by several members of the panel, it was observed that the characteristics of the Bronson film were similar to those of the Hughes film that were examined by the entire panel. The apparent motion in the window seemed to be random and therefore not likely to be caused by human motion.(*149*) Because of the high quality of the Bronson film, the panel members recommended it be subjected to computer analysis.(*150*) The committee recommended, in turn, that the Bronson film be subjected to analysis by the Department of Justice.

Enhancement efforts with respect to the Dillard and Powell photographs, taken shortly after the assassination, successfully generated considerable detail within the depository window.(*151*) Based upon its review of these materials, the panel was able to conclude that at

the time these photographs were taken, no human forms were present in the sixth floor southeast corner window of the depository.(*152*)

No photographs of the sixth floor southeast corner window of the Texas School Book Depository were taken at the time of the assassination, photographic evidence did not confirm or preclude a firing by an assassin from the window. Photographs of the sixth floor window taken shortly before and after the assassination did not reveal evidence of human forms. Allegations that these photographs contain evidence of there having been more than one gunman on the sixth floor were not supported by the enhancement efforts. In summary, the photographic evidence with respect to the grassy knoll and the Texas School Book Depository did not confirm or preclude that a gunman fired at the President from either location.

None of the scientific evidence available to the committee—photography, forensic pathology, ballistics, neutron activation analysis—was inconsistent with the acoustical evidence that established a high probability that two gunmen fired at the President.

(*d*) *Witness testimony on the shots.*—The committee, in conjunction with its scientific projects, had a consultant retained by Bolt Beranek and Newman analyze the testimony of witnesses in Dealey Plaza on November 22, 1963, to advise the committee what weight, if any, it should give such testimony, and to relate the testimony to the acoustics evidence the committee had obtained.

The statements of 178 persons who were in Dealey Plaza, all of whom were available to the Warren Commission, were analyzed:(*153*) 49 (27.5 percent) believed the shots had come from the Texas School Book Depository; 21 (11.8 percent) believed the shots had come from the grassy knoll; 30 (16.9 percent) believed the shots had originated elsewhere; and 78 (43.8 percent) were unable to tell which direction the shots were fired from. Only four individuals believed shots had originated from more than one location.(*154*)

Some comment on these statistics is called for. The committee noted that a significant number of witnesses reported that shots originated from the grassy knoll. The small number of those who thought shots originated from both the book depository and grassy knoll might be explained by the fact that the third and fourth shots were only seven-tenths of a second apart. Such a brief interval might have made it difficult for witnesses to differentiate between the two shots, or to distinguish their direction. While recognizing the substantial number of people who reported shots originating from the knoll, the committee also believed the process of collecting witness testimony was such that it would be unwise to place substantial reliance upon it. The witnesses were interviewed over a substantial period of time, some of them several days, even weeks, after the assassination. By that time, numerous accounts of the number and direction of the shots had been published. The committee believed that the witnesses' memories and testimony on the number, direction, and timing of the shots may have been substantially influenced by the intervening publicity concerning the events of November 22, 1963.(*155*) Consequently, standing alone, the statistics are an unreliable foundation upon which to rely with great confidence for any specific finding. It was of obvious im-

portance, however, that some witness testimony would corroborate the acoustical finding of a shot from the grassy knoll. If no testimony indicated shots from the knoll, there would have been a troubling lack of corroboration for the acoustical analysis.

The Warren Commission had available to it the same testimony concerning shots from the knoll, but it believed it should not be credited because of "the difficulty of accurate perception."(*156*) The Commission stated, "* * * the physical and other evidence" only compelled the conclusion that at least two shots were fired.(*157*) The Commission noted, however, that the three cartridge cases that were found, when taken together with the witness testimony, amounted to a preponderance of evidence that three shots were fired.(*158*) Nevertheless, the Commission held, "* * * there is no credible evidence to indicate shots were fired from other than the Texas School Book Depository."(*159*) It therefore discounted the testimony of shots from the grassy knoll.

While recognizing that the Commission was correct in acknowledging the difficulty of accurate witness perception, the committee obtained independent acoustical evidence to support it. Consequently, it was in a position where it had to regard the witness testimony in a different light.

The committee assembled for the purpose of illustration the substance of the testimony of some of the witnesses who believed the shots may have come from somewhere in addition to the depository. A Dallas police officer, Bobby W. Hargis, was riding a motorcycle to the left and slightly to the rear of the limousine. Hargis described the direction of the shots in a deposition given to the Warren Commission on April 8, 1964:

> Well, at the time it sounded like the shots were right next to me. There wasn't any way in the world I could tell where they were coming from, but at the time there was something in my head that said that they probably could have been coming from the railroad overpass, because I thought since I had got splattered * * * I had a feeling that it might have been from the Texas School Book Depository, and these two places was (sic) the primary place that could have been shot from.(*160*)

Hargis stated that after the shooting he saw a man fall to the ground at the base of the incline and cover his child. He also saw other people running. Hargis himself stopped his motorcycle and ran up the incline.(*161*)

The man Officer Hargis saw lying on the ground was probably William Eugene Newman. Newman and his wife and child were observing the motorcade from the curb near the west end of the concrete standard on Elm Street. Newman gave this description of their actions after hearing the shots to the sheriff's department on November 22, 1963:

> Then we fell down on the grass as it seemed that we were in direct path of fire . . . I thought the shots had come from the garden directly behind me, that was on an elevation from

> where I was as I was right on the curb. I do not recall looking toward the Texas School Book Depository. I looked back in the vicinity of the garden. (*162*)

Abraham Zapruder, since deceased, was standing on a concrete abutment on the grassy knoll, just beyond the Stemmons Freeway sign, aiming his 8 millimeter camera at the motorcade. He testified in a deposition given to the Commission on July 22, 1964, that he thought a shot may have come from behind him, but then acknowledged in response to questions from Commission counsel that it could have come from anywhere. He did, however, differentiate among the effects the shots had on him. One shot, he noted, caused reverberations all around him and was much more pronounced than the others. (*163*) Such a difference, the committee noted, would be consistent with the differing effects Zapruder might notice from a shot from the knoll, as opposed to the Texas School Book Depository.

A Secret Service agent, Paul E. Landis, Jr., wrote a statement on the shooting, dated November 30, 1963. Landis was in the follow-up car, behind the Presidential limousine, on the outside running board on the right. He indicated that the first shot "sounded like the report of a high-powered rifle from behind me, over my right shoulder." (*164*) According to his statement, the shot he identified as number two might have come from a different direction. He said:

> I still was not certain from which direction the second shot came, but my reaction at this time was that the shot came from somewhere towards the front, right-hand side of the road. (*165*)

Another witness, S. M. Holland, since deceased, also noted signs of a shot coming from a group of trees on the knoll. Holland was standing on top of the railroad overpass above Elm Street. Testifying in a deposition to the Warren Commission on April 8, 1964, he indicated he heard four shots. After the first, he said, he saw Governor Connally turn around. (*166*) Then there was another report. The first two sounded as if they came from "the upper part of the street." The third was not as loud as the others. Holland said:

> There was a shot, a report. I don't know whether it was a shot. I can't say that. And a puff of smoke came out about 6 or 8 feet above the ground right out from under those trees. And at just about this location from where I was standing, you could see that puff of smoke, like someone had thrown a firecracker, or something out, and that is just about the way it sounded. It wasn't as loud as the previous reports or shots. (*167*)

When counsel for the Warren Commission asked Holland if he had any doubts about the four shots, he said:

> I have no doubt about it. I have no doubt about seeing that puff of smoke come out from those trees either. (*168*)

These witnesses are illustrative of those present in Dealey Plaza on November 22, 1963, who believed a shot came from the grassy knoll.

(1) *Analysis of the reliability of witness testimony.*—The committee also conducted, as part of the acoustical reenactment in Dealey Plaza in August 1978, a test of the capacity of witnesses to locate the direction of shots, hoping the experiment might give the committee an independent basis with which to evaluate what weight, if any, to assign to witness testimony. Two expert witnesses were asked to locate the direction of shots during the test,(*169*) and Dr. David Green, the BBN consultant, supervised the test and prepared a report on the reactions of the expert witnesses. Green concluded in the report, "* * * it is difficult to draw any firm conclusions relative to the reports of witnesses in the plaza as to the possible locus of any assassin." (*170*) Nevertheless, he stated that "it is hard to believe a rifle was fired from the knoll" during the assassination, since such a shot would be easy to "localize." Green cited as support for his conclusion the fact that only four of the 178 Dealey Plaza witnesses pointed to more than one location as the origin of the shots.(*171*)

In its evaluation of Green's conclusions, the committee considered the different circumstances affecting the expert witnesses in the test and the actual witnesses to the assassination. The expert witnesses in August 1978 were expecting the shooting and knew in advance that guns would be fired only from the Texas School Book Depository and the grassy knoll, and they had been told their assignment was to determine the direction of the shots. Further, there was no test in which shots were fired within seven-tenths of a second of each other, so no reliable conclusion could be reached with respect to the possibility that such a brief interval would cause confusion. Dr. Green's report also reflects that even though the two trained observers correctly identified the origin of 90 percent of the shots, their own notes indicated something short of certainty.(*172*) Their comments were phrased with equivocation: "Knoll?;" "Over my head. Not really on knoll or even behind me:" "Knoll/underpass;" and "Knoll? Not really confident." Their comments, in short, frequently reflected ambiguity as to the origin of the shots, indicating that the gunfire from the grassy knoll often did not sound very different from shots fired from the book depository.

An analysis by the committee of the statements of witnesses in Dealey Plaza on November 22, 1963, moreover, showed that about 44 percent were not able to form an opinion about the origin of the shots,(*173*) attesting to the ambiguity showed in the August 1978 experiment. Seventy percent of the witnesses in 1963 who had an opinion as to origin said it was either the book depository or the grassy knoll.[21](*174*) Those witnesses who thought the shots originated from the grassy knoll represented 30 percent of those who chose between the knoll and the book depository and 21 percent of those who made a decision as to origin. Since most of the shots fired on November 22, 1963 (three out of four, the committee determined) came from the book depository, the fact that so many witnesses thought they heard shots from the knoll lent additional weight to a conclusion that a shot came from there.

[21] The interviews of witnesses to the assassination may have reflected a tendency to make a "forced choice" between the two locations, caused by the actions of police and other spectators in Dealey Plaza indicating the knoll and the depository were the two shooter locations, an attitude that was substantiated by press reports of shooter locations that, in some instances, preceded interviews with witnesses.

The committee, therefore, concluded that the testimony of witnesses in Dealey Plaza on November 22, 1963 supported the finding of the acoustical analysis that there was a high probability that a shot was fired at the President from the grassy knoll. There were also witness reports of suspicious activity in the vicinity of the knoll. (*175*).

(*e*) *Certain conspiracy allegations*

While the committee recognized, as discussed in section C, that a finding that two gunmen fired at the President did not in itself establish that President Kennedy was assassinated as a result of a conspiracy, it did establish, in the context of common experience, the probability that a conspiracy did exist that day. Consequently, the committee sought to employ scientific analysis to examine some conspiracy theories about the assassination. The scientific analysis that could be applied to these conspiracy allegations refuted each one of them.

The committee had its photographic evidence panel investigate allegations concerning certain specific individuals who had been linked to the assassination and were allegedly present in Dealey Plaza. Forensic anthropologists were asked to compare photographs of these known subjects with those of unidentified persons photographed in Dealey Plaza on the day of the assassination. The anthropological studies involved comparisons of morphological traits (wrinkles, scars, and shape of ears, nose, et cetera) and facial dimensions and statural measurements to the extent that these could be derived from the photographs examined and other related documents available to the committee. (*176*)

The first photograph examined contained an individual appearing in a press photograph of motorcade spectators on Houston Street. (*177*) Some critics had contended the individual appeared to be Joseph A. Milteer, a militant conservative who had been secretly recorded on tape by a police informant 2 weeks prior to the assassination as he described a plan to assassinate the President.[22] The anthropologists concluded, however, that based on available photographs and records of Milteer's height, the individual in the photograph could not have been Milteer. (*178*)

Press photographs of three "tramps" apprehended by the Dallas police near Dealey Plaza shortly after the assassination were analyzed and compared with photographs of a number of persons, including E. Howard Hunt,[23] Frank Sturgis, Thomas Vallee, Daniel Carswell, and Fred Lee Chrisman, each of whom had been alleged by critics to be linked to the assassination. Of all the subjects compared, only Fred Lee Chrisman, a conservative active in New Orleans at the time of the assassination, was found to have facial measurements consistent with any of the tramps. (*180*) Anthropologists could not make a positive identification of Chrisman, (*181*) however. The committee could not establish any link between Chrisman and the assassination. In addi-

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[22] The committee's analysis of the response by the Secret Service to the threat posed by Milteer's alleged plan is described in section D1 of this report.

[23] During the course of the committee's investigation, a rumor was circulating that the committee had uncovered a memorandum in CIA files indicating Hunt was in Dallas on November 22, 1963. The rumor was not founded on fact. In addition, Hunt gave the committee a sworn deposition (*179*) in which he denied the allegation, and the committee found no evidence that contradicted Hunt's deposition.

tion, the committee independently determined that Chrisman was not in Dealey Plaza on the day of the assassination. (*182*)

The committee sought, by employing scientific analysis, to explore other allegations of conspiratorial activity. Establishing the authenticity of the autopsy photographs and X-rays was of fundamental importance, not only because these evidentiary materials were a primary basis for the committee's findings concerning the nature and causes of the President's head wounds, but because allegations that they had been altered raised implications of a wide-based conspiracy operating at high levels of the U.S. Government. As it has been noted, the committee found that the X-rays and photographs had not been altered.

Another conspiratorial theory that implied there was an extensive and sophisticated conspiracy rested on the allegation that the photographs of Oswald in his backyard holding a rifle were composites. Similar conspiratorial implications were raised by the allegation that the rifle currently in the National Archives was a different rifle than that seen in the backyard photographs of Oswald with the rifle, as well as other photographs of the rifle taken on November 22 and November 23, 1963. As discussed in section A 3, scientific analysis performed by the committee refuted each of these allegations. (*183*)

The final conspiratorial theory the committee investigated by scientific analysis was the so-called "two Oswald theory." This was an assertion by some critics that the Lee Harvey Oswald who returned from Russia in 1962 was a different person than the Lee Harvey Oswald who defected to Russia in 1959. (*184*) Forensic anthropologists analyzed and compared a number of photos of Oswald taken at different times during his life for any indication that they were not photographs of one and the same individual. Based on an analysis of facial dimensions, they found all the photographs consistent with those of a single individual. (*185*)

In addition, the photographic evidence panel conducted height and proportion studies of various Oswald photographs, utilizing test photographs of subjects against a height chart. (*186*) The panel noted that significant variations can arise from this type of measurement due to differences in orientation and distance of the subject from the camera. (*187*) The panel explained, " * * * unless the subject photographed is standing directly with his back against the height chart at a correct distance from a properly positioned camera equipped with an appropriate lens, it is unreasonable to assume that the resulting picture is ever a precisely accurate indicator of both his height and head size." (*188*) The panel noted that because of these impediments to accuracy, the use of height charts in pictures is no longer a common practice in law enforcement or industrial security work. (*189*)

The committee also engaged the services of three handwriting experts to explore the "two Oswald theory." These experts viewed documents purported to have been written by Lee Harvey Oswald. They examined documents from the years 1956 to 1963 to determine if the handwriting of the man who joined the Marines in 1956 was the same as that of the man who had applied for a passport in 1959, tried to revoke his American citizenship in 1959, returned to the United States

in 1962, journeyed to Mexico in late September 1963, and ordered the rifle which was found on the sixth floor of the Texas School Book Depository on November 22, 1963. A careful examination of these documents demonstrated that the man who signed those items was the same man throughout the entire 7-year period.(*190*) Accordingly, on the basis of the committee's scientific analysis, there was no evidence to support the allegation that the Lee Harvey Oswald who returned from Russia in 1962 was a different person than the Lee Harvey Oswald who defected to Russia in 1959.

(*f*) *Summary of the evidence*

Where it was available, the committee extensively employed scientific analysis to assist it in the resolution of numerous issues. The committee considered all the other evidence available to evaluate the scientific analysis. In conclusion, the committee found that the scientific accoustical evidence established a high probability that two gunmen fired at President John F. Kennedy. Other scientific evidence did not preclude the possibility of two gunmen firing at the President, but it did negate some specific conspiracy allegations.

C. The Committee Believes, on the Basis of the Evidence Available to It, That President John F. Kennedy Was Probably Assassinated as a Result of a Conspiracy. The Committee is Unable To Identify the Other Gunman or the Extent of the Conspiracy

Supreme Court Justice Oliver Wendell Holmes once simply defined conspiracy as "a partnership in criminal purposes."(*1*) That definition is adequate. Nevertheless, it may be helpful to set out a more precise definition. If two or more individuals agreed to take action to kill President Kennedy, and at least one of them took action in furtherance of the plan, and it resulted in President Kennedy's death, the President would have been assassinated as a result of a conspiracy.

The committee recognizes, of course, that while the word "conspiracy" technically denotes only a "partnership in criminal purposes," it also, in fact, connotes widely varying meanings to many people, and its use has vastly differing societal implications depending upon the sophistication, extent and ultimate purpose of the partnership. For example, a conspiracy to assassinate a President might be a complex plot orchestrated by foreign political powers; it might be the scheme of a group of American citizens dissatisfied with particular governmental policies; it also might be the plan of two largely isolated individuals with no readily discernible motive.

Conspiracies may easily range, therefore, from those with important implications for social or governmental institutions to those with no major societal significance. As the evidence concerning the probability that President Kennedy was assassinated as a result of a "conspiracy" is analyzed, these various connotations of the word "conspiracy" and distinctions between them ought to be constantly borne in mind. Here, as elsewhere, words must be used carefully, lest people be misled.[1]

A conspiracy cannot be said to have existed in Dealey Plaza unless evidence exists from which, in Justice Holmes' words, a "partnership in criminal purposes" may be inferred. The Warren Commission's conclusion that Lee Harvey Oswald was not involved in a conspiracy to assassinate the President was, for example, largely based on its findings of the absence of evidence of significant association (*2*) between Oswald and other possible conspirators and no physical evidence of conspiracy.(*3*) The Commission reasoned, quite rightly, that in the absence of association or physical evidence, there was no conspiracy.

Even without physical evidence of conspiracy at the scene of the assassination, there would, of course, be a conspiracy if others assisted Oswald in his efforts. Accordingly, an examination of Oswald's associates is necessary. The Warren Commission recognized that a first premise in a finding of conspiracy may be a finding of association. Because the Commission did not find any significant Oswald associ-

[1] It might be suggested that because of the widely varying meanings attached to the word "conspiracy," it ought to be avoided. Such a suggestion, however, raises another objection—the search for euphemistic variations can lead to a lack of candor. There is virtue in seeing something for what it is, even if the plain truth causes discomfort.

ates, it was not compelled to face the difficult questions posed by such a finding. More than association is required to establish conspiracy. There must be at least knowing assistance or a manifestation of agreement to the criminal purpose by the associate.

It is important to realize, too, that the term "associate" may connote widely varying meanings to different people. A person's associate may be his next door neighbor and vacation companion, or it may be an individual he has met only once for the purpose of discussing a contract for a murder. The Warren Commission examined Oswald's past and concluded he was essentially a loner.(*4*) It reasoned, therefore, that since Oswald had no significant associations with persons who could have been involved with him in the assassination, there could not have been a conspiracy.(*5*)

With respect to Jack Ruby,[2] the Warren Commission similarly found no significant associations, either between Ruby and Oswald or between Ruby and others who might have been conspirators with him.(*8*) In particular, it found no connections between Ruby and organized crime, and it reasoned that absent such associations, there was no conspiracy to kill Oswald or the President.(*9*)

The committee conducted a three-pronged investigation of conspiracy in the Kennedy assassination. On the basis of extensive scientific analysis and an analysis of the testimony of Dealey Plaza witnesses, the committee found there was a high probability that two gunmen fired at President Kennedy.

Second, the committee explored Oswald's and Ruby's contacts for any evidence of significant associations. Unlike the Warren Commission, it found certain of these contacts to be of investigative significance. The Commission apparently had looked for evidence of conspiratorial association. Finding none on the face of the associations it investigated, it did not go further. The committee, however, conducted a wider ranging investigation. Notwithstanding the possibility of a benign reason for contact between Oswald or Ruby and one of their associates, the committee examined the very fact of the contact to see if it contained investigative significance. Unlike the Warren Commission, the committee took a close look at the associates to determine whether conspiratorial activity in the assassination could have been possible, given what the committee could learn about the associates, and whether the apparent nature of the contact should, therefore, be examined more closely.[3]

Third, the committee examined groups—political organizations, national governments and so on—that might have had the motive, opportunity and means to assassinate the President.

The committee, therefore, directly introduced the hypothesis of conspiracy and investigated it with reference to known facts to determine if it had any bearing on the assassination.

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[2] The Warren Commission devoted its Appendix XVI to a biography of Jack Ruby in which his family background, psychological makeup, education and business activities were considered. While the evidence was sometimes contradictory, the Commission found that Ruby grew up in Chicago, the son of Jewish immigrants; that he lived in a home disrupted by domestic strife; (6) that he was troubled psychologically as a youth and not educated beyond high school; and that descriptions of his temperament ranged from "mild mannered" to "violent." (7) In 1963, Ruby was 52 and unmarried. He ran a Dallas nightclub but was not particularly successful in business. His acquaintances included a number of Dallas police officers who frequented his nightclub, as well as other types of people who comprised his clientele.

[3] The committee found associations of both Ruby and Oswald that were unknown to the Warren Commission.

The committee examined a series of major groups or organizations that have been alleged to have been involved in a conspiracy to assassinate the President. If any of these groups or organizations, as a group, had been involved in the assassination, the conspiracy to assassinate President Kennedy would have been one of major significance.

As will be detailed in succeeding sections of this report, the committee did not find sufficient evidence that any of these groups or organizations were involved in a conspiracy in the Kennedy assassination. Accordingly, the committee concluded, on the basis of the evidence available to it, that the Soviet government, the Cuban government, anti-Castro Cuban groups, and the national syndicate of organized crime were not involved in the assassination. Further, the committee found that the Secret Service, the Federal Bureau of Investigation, and the Central Intelligence Agency were not involved in the assassination.

Based on the evidence available to it, the committee could not preclude the possibility that individual members of anti-Castro Cuban groups or the national syndicate of organized crime were involved in the assassination. There was insufficient evidence, however, to support a finding that any individual members were involved. The ramifications of a conspiracy involving such individuals would be significant, although of perhaps less import than would be the case if a group itself, the national syndicate, for example, had been involved.

The committee recognized that a finding that two gunmen fired simultaneously at the President did not, by itself, establish that there was a conspiracy to assassinate the President. It is theoretically possible that the gunmen were acting independently, each totally unaware of the other. It was the committee's opinion, however, that such a theoretical possibility is extremely remote. The more logical and probable inference to be drawn from two gunmen firing at the same person at the same time and in the same place is that they were acting in concert, that is, as a result of a conspiracy.

The committee found that, to be precise and loyal to the facts it established, it was compelled to find that President Kennedy was probably killed as a result of a conspiracy. The committee's finding that President Kennedy was probably assassinated as a result of a conspiracy was premised on four factors:

(1) Since the Warren Commission's and FBI's investigation into the possibility of a conspiracy was seriously flawed, their failure to develop evidence of a conspiracy could not be given independent weight.

(2) The Warren Commission was, in fact, incorrect in concluding that Oswald and Ruby had no significant associations, and therefore its finding of no conspiracy was not reliable.

(3) While it cannot be inferred from the significant associations of Oswald and Ruby that any of the major groups examined by the committee were involved in the assassination, a more limited conspiracy could not be ruled out.

(4) There was a high probability that a second gunman, in fact, fired at the President.

At the same time, the committee candidly stated, in expressing its finding of conspiracy in the Kennedy assassination, that it was "unable to identify the other gunman or the extent of the conspiracy."

The photographic and other scientific evidence available to the committee was insufficient to permit the committee to answer these questions. In addition, the committee's other investigative efforts did not develop evidence from which Oswald's conspirator or conspirators could be firmly identified. It is possible, of course, that the extent of the conspiracy was so limited that it involved only Oswald and the second gunman. The committee was not able to reach such a conclusion, for it would have been based on speculation, not evidence. Aspects of the investigation did suggest that the conspiracy may have been relatively limited, but to state with precision exactly how small was not possible. Other aspects of the committee's investigation did suggest, however, that while the conspiracy may not have involved a major group, it may not have been limited to only two people. These aspects of the committee's investigation are discussed elsewhere.

If the conspiracy to assassinate President Kennedy was limited to Oswald and a second gunman, its main societal significance may be in the realization that agencies of the U.S. Government inadequately investigated the possibility of such a conspiracy. In terms of its implications for government and society, an assassination as a consequence of a conspiracy composed solely of Oswald and a small number of persons, possibly only one, and possibly a person akin to Oswald in temperament and ideology, would not have been fundamentally different from an assassination by Oswald alone.[4]

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[4] If the conspiracy was, in fact, limited to Oswald, the second gunman, and perhaps one or two others, the committee believes it was possible they shared Oswald's left-wing political disposition. A consistent pattern in Oswald's life (see section A 5) was a propensity for actions with political overtones. It is quite likely that an assassination conspiracy limited to Oswald and a few associates was in keeping with that pattern.

Further, it is possible that associates of Oswald in the Kennedy assassination had been involved with him in earlier activities. Two possibilities: the attempt on the life of Gen. Edwin A. Walker in April 1963 and the distribution of Fair Play for Cuba Committee literature in August 1963. With respect to the Walker incident, there was substantial evidence that Oswald did the shooting (section A 5), although at the time of the shooting it was not sufficient to implicate Oswald or anyone else. It was not until after the Kennedy assassination that Oswald became a suspect in the Walker attack, based on the testimony of his widow Marina. Marina's characterization of Oswald is more consistent with his having shot at Walker alone than his having assistance, although at the time of the shooting there was testimony that tended to indicate more than one person was involved. Further, it is not necessary to believe all of what Marina said about the incident or to believe that Oswald told her all there was to know, since either of them might have been concealing the involvement of others.

According to a general offense report of the Dallas police, Walker reported at approximately 9:10 p.m. on April 10, 1963, that a bullet had been fired through a first floor window of his home at 4011 Turtle Creek Boulevard, Dallas. Detectives subsequently found that a bullet had first shattered a window, then gone through a wall and had landed on a stack of papers in an adjoining room. In their report the detectives described the bullet as steel-jacketed, of unknown caliber.

Police located a 14-year-old boy in Walker's neighborhood who said that after hearing the shot, he climbed a fence and looked into an alley to the rear of Walker's home. The boy said he then saw some men speeding down the alley in a light green or light blue Ford, either a 1959 or 1960 model. He said he also saw another car, a 1958 Chevrolet, black with white down the side, in a church parking lot adjacent to Walker's house. The car door was open, and a man was bending over the back seat, as though he was placing something on the floor of the car.

On the night of the incident, police interviewed Robert Surrey, an aide to Walker. Surrey said that on Saturday, April 6, at about 9 p.m., he had seen two men sitting in a dark purple or brown 1963 Ford at the rear of Walker's house. Surrey also said the two men got out of the car and walked around the house. Surrey said he was suspicious and followed the car, noting that it carried no license plate.

If it could be shown that Oswald had associates in the attempt on General Walker, they would be likely candidates as the grassy knoll gunman. The committee recognized, however, that this is speculation, since the existence, much less identity, of an Oswald associate in the Walker shooting was hardly established. Further, the committee failed in its effort to develop productive leads in the Walker shooting.

With respect to the Cuba literature incident, Oswald was photographed with two associates distributing pro-Castro pamphlets in August 1963. As a result of a fight with anti-Castro Cubans, Oswald was arrested, but his associates were not. Of the two associates, only one was identified in the Warren Commission investigation (Warren Report, p. 292). Although the second associate was clearly portrayed in photographs (see Pizzo Exhibits 453–A and 453–B, Warren Commission Report, Vol. XXI, p. 139), the Commission was unable to identify him, as was the case with the committee.

1. THE COMMITTEE BELIEVES, ON THE BASIS OF THE EVIDENCE AVAILABLE TO IT, THAT THE SOVIET GOVERNMENT WAS NOT INVOLVED IN THE ASSASSINATION OF PRESIDENT KENNEDY

With the arrest of Lee Harvey Oswald in the assassination of President Kennedy, speculation arose over the significance of Oswald's defection to the Soviet Union from October 1959 to June 1962 and his activities while living in that country. Specifically, these troubling questions were asked:

Had Oswald been enlisted by the KGB, the Soviet secret police?

Could the assassination have been the result of a KGB plot?(*1*)

(*a*) *United States-Soviet relations*

To put these concerns in context, it is necessary to look at Soviet-American relations in the 1960's. United States-Soviet relations had, in fact, been turbulent during the Kennedy Presidency. There had been major confrontations: over Berlin, where the wall had come to symbolize the barrier between the two superpowers; and over Cuba, where the emplacement of Soviet missiles had nearly started World War III.(*2*)

A nuclear test-ban treaty in August 1963 seemed to signal détente, but in November, tension was building again, as the Soviets harassed American troop movements to and from West Berlin.(*3*) And Cuba was as much an issue as ever. In Miami, on November 18, President Kennedy vowed the United States would not countenance the establishment of another Cuba in the Western Hemisphere.(*4*)

(*b*) *The Warren Commission investigation*

The Warren Commission considered the possibility of Soviet complicity in the assassination, but it concluded there was no evidence of it.(*5*) In its report, the Commission noted that the same conclusion had been reached by Secretary of State Dean Rusk and Secretary of Defense Robert McNamara, among others.(*6*) Rusk testified before the Commission on June 10, 1964:

> I have seen no evidence that would indicate to me that the Soviet Union considered that it had any interest in the removal of President Kennedy * * * I can't see how it could be to the interest of the Soviet Union to make any such effort.

(*c*) *The committee's investigation*

The committee, in analyzing Oswald's relationship to Russian intelligence, considered:

Statements of both Oswald and his wife, Marina, about their life in the Soviet Union;(*7*)

Documents provided by the Soviet Government to the Warren Commission concerning Oswald's residence in the Soviet Union;(*8*)

Statements by Soviet experts in the employ, current or past, of the Central Intelligence Agency;(*9*)

Files on other defectors to the Soviet Union;(*10*) and

Statements by defectors from the Soviet Union to the United States.(*11*)

(1) *Oswald in the U.S.S.R.*—The committee reviewed the documents Oswald wrote about his life in the Soviet Union, including his diary and letters to his mother, Marguerite, and brother, Robert.(*12*) They paralleled, to a great extent, the information in documents provided to the Warren Commission by the Soviet Government after the assassination.(*13*) These documents were provided to the Commission in response to its request that the Soviet Government give the Commission any "available information concerning the activities of Lee Harvey Oswald during his residence from 1959 to 1962 in the Soviet Union, in particular, copies of any official records concerning him."(*14*)

Two sets of documents, totaling approximately 140 pages, were turned over to the Commission by the Soviets in November 1963 and in May 1964.(*15*) They were routine, official papers. None of them appeared to have come from KGB files, and there were no records of interviews of Oswald by the KGB, nor were there any surveillance reports. Unfortunately, the authenticity of the documents could not be established. The signatures of Soviet officials, for example, were illegible.(*16*)

Nevertheless, the Soviet documents and Oswald's own statements give this account of Oswald's stay in the Soviet Union:

He lived there from October 1959 to June 1962.

He attempted suicide on learning he would not be permitted to remain in the U.S.S.R.

He worked in a radio plant in Minsk.

He met and married Marina.

He was originally issued a residence visa for stateless persons and later issued a residence visa for foreigners.

He obtained exit visas for himself and his family before departing the Soviet Union.

Neither the documents nor Oswald's own statements indicate that he was debriefed or put under surveillance by the KGB.

The committee interviewed U.S. officials who specialize in Soviet intelligence, asking them what treatment they would have expected Oswald to have received during his defection.(*17*) For the most part, they suspected that Oswald would have routinely been debriefed by the KGB and that many persons who came in contact with Oswald in the U.S.S.R. would have been connected with the KGB.(*18*)

(2) *Treatment of defectors by the Soviet Government.*—The committee examined the CIA and FBI files on others who had defected in the same period as Oswald and who had eventually returned to the United States.(*19*) The purpose was to determine the frequency of KGB contact and whether the treatment of Oswald appeared to be significantly different from the norm. The defectors studied by the committee were selected because their backgrounds and other characteristics were similar to Oswald's, on the theory that their treatment by the KGB could be expected to parallel that of Oswald, if he was not a special case, a recruited assassin, for example.

The examination of the defector files was inconclusive, principally because the case of nearly every defector was unique.(*20*) In addition, the files available on the experiences of the defectors were often not adequate to extract meaningful data for the purpose of this investiga-

tion, since they were compiled for other reasons.(*21*) As to contacts with the KGB, the experiences of American defectors appeared to have varied greatly. Some reported daily contact with Soviet intelligence agents, while others did not mention ever having been contacted or debriefed.(*22*)

(3) *Yuri Nosenko.*—Of all the areas investigated by the committee with respect to possible Soviet involvement in the assassination, none seemed as potentially rewarding as an examination of statements made by KGB officers who had defected to the United States. In determining how the KGB treats American defectors, an ex-KGB officer would certainly be of great interest. In this regard, the committee had access to three such men, one of whom, Yuri Nosenko, claimed to possess far more than general information about American defectors.

In January 1964,[5] Nosenko, identifying himself as a KGB officer, sought asylum in the United States.(*23*) He claimed to have worked in the KGB Second Chief Directorate whose functions, in many respects, are similar to those of the FBI.(*24*) According to Nosenko, while working in 1959 in a KGB department dealing with American tourists, he learned of a young American who sought to defect to the Soviet Union. The American was Lee Harvey Oswald.(*25*)

Nosenko stated he had worked extensively on the Oswald case, and he provided the FBI and CIA with data pertaining to Oswald's request to defect and remain in the Soviet Union, the initial rejection of that request by the KGB, Oswald's suicide attempt and a subsequent decision to permit him to remain in Russia.(*26*) Although the KGB, according to Nosenko, was well aware of Oswald, it made no attempt to debrief or interview him.(*27*) Never was any consideration given by the KGB to enlist Oswald into the Soviet intelligence service.(*28*)

The committee was most interested in Nosenko's claim that in 1963, after Oswald was arrested in the assassination, he had an opportunity to see the KGB file on the suspected assassin. As a result, Nosenko said, he was able to state categorically that Oswald was not a Soviet agent and that no officer of the KGB had ever interviewed or debriefed him.(*29*)

Nosenko's testimony, however, did not settle the question of Soviet complicity in the assassination. From the time of his defection, some U.S. intelligence officers suspected Nosenko was on a disinformation mission to mislead the American Government. Since other CIA officials believed Nosenko was a bona fide defector, a serious disagreement at the top level of the Agency resulted.(*30*)

The Warren Commission found itself in the middle of the Nosenko controversy—and in a quandary of its own, since the issue of Nosenko's reliability bore significantly on the assassination investigation.(*31*) If he was telling the truth, the Commission could possibly write off Soviet involvement in a conspiracy.[6] If, on the other hand, Nosenko was lying, the Commission would be faced with a dilemma. While a deceitful Nosenko would not necessarily point to Soviet complicity, it would leave the issue in limbo. The Warren Commission

[5] Nosenko had first contacted the U.S. Government in June 1962.

[6] The Commission as well as the committee recognized that Nosenko could have been candid and that the connection between Oswald and the KGB could have been compartmentalized, that is, known only to a select few people, not including Nosenko.

chose not to call Nosenko as a witness or to mention him in its report, apparently because it could not resolve the issue of his reliability.(*32*)

The committee, on the other hand, reviewed all available statements and files pertaining to Nosenko.(*33*) It questioned Nosenko in detail about Oswald, finding significant inconsistencies in statements he had given the FBI, CIA and the committee.(*34*) For example, Nosenko told the committee that the KGB had Oswald under extensive surveillance, including mail interception, wiretap and physical observation. Yet, in 1964, he told the CIA and FBI there had been no such surveillance of Oswald.(*35*) Similarly, in 1964, Nosenko indicated there had been no psychiatric examination of Oswald subsequent to his suicide attempt, while in 1978 he detailed for the committee the reports he had read about psychiatric examinations of Oswald.(*36*)

The committee also found that the CIA had literally put Nosenko in solitary confinement from 1964 to 1968.(*37*) Strangely, while he was interrogated during this period, he was questioned very little about Oswald.(*38*) The Agency did not seem to realize Nosenko's importance to an investigation of the assassination. While Richard Helms, then the CIA's Deputy Director for Plans, did tell Chief Justice Warren about Nosenko, the Agency's interest in him seemed to be largely limited to its own intelligence-gathering problem: did the KGB send Nosenko to the United States to deceive the CIA on many matters, only one of them perhaps related to the assassination?(*39*)

In the end, the committee, too, was unable to resolve the Nosenko matter. The fashion in which Nosenko was treated by the Agency—his interrogation and confinement—virtually ruined him as a valid source of information on the assassination. Nevertheless, the committee was certain Nosenko lied about Oswald—whether it was to the FBI and CIA in 1964, or to the committee in 1978, or perhaps to both.(*40*) The reasons he would lie about Oswald range from the possibility that he merely wanted to exaggerate his own importance to the disinformation hypothesis with its sinister implications.

Lacking sufficient evidence to distinguish among alternatives,[7] the committee decided to limit its conclusion to a characterization of Nosenko as an unreliable source of information about the assassination, or, more specifically, as to whether Oswald was ever contacted, or placed under surveillance, by the KGB.

(4) *Opinions of other defectors.*—In addition to interviewing Nosenko, the committee questioned two other former KGB officers who had defected to the United States. While neither could base an opinion on any personal experience with that part of the KGB in which Nosenko said he had served, both said that Oswald would have been of interest to the Soviet intelligence agency, that he would have been debriefed and that he may have been kept under surveillance.(*41*)

(5) *Marina Oswald.*—The committee not only considered a possible connection between Oswald and the KGB, it also looked into charges that his widow, Marina, was an agent of the KGB, or that she at least influenced her husband's actions in the assassination on orders from

[7] Beyond those reasons for falsification that can be attributed to Nosenko himself, there has been speculation that the Soviet Government, while not involved in the assassination, sent Nosenko on a mission to allay American fears. Hence, while his story about no connection between Oswald and the KGB might be false, his claim of no Soviet involvement in the assassination would be truthful.

Soviet officials. The committee examined Government files on Marina, it questioned experts on Soviet affairs and former KGB officers, and it took testimony from Marina herself.(*42*) The committee could find no evidence to substantiate the allegations about Marina Oswald Porter.

Mrs. Porter testified before the committee that Oswald had never been contacted directly by the KGB, though she assumed that he and she alike had been under KGB surveillance when they lived in the Soviet Union.

(6) *Response of the Soviet Government.*—Finally, the committee attempted to obtain from the Soviet Government any information on Oswald that it had not provided to the Warren Commission. In response to a committee request relayed by the State Department, the Soviet Government informed the committee that all the information it had on Oswald had been forwarded to the Warren Commission.(*43*)

The committee concluded, however, that it is highly probable that the Soviet Government possessed information on Oswald that it has not provided to the U.S. Government. It would be the extensive information that most likely was gathered by a KGB surveillance of Oswald and Marina while they were living in Russia. It is also quite likely that the Soviet Government withheld files on a KGB interview with Oswald.[8]

(*d*) *Summary of the evidence*

Its suspicions notwithstanding, the committee was led to believe, on the basis of the available evidence, that the Soviet Government was not involved in the assassination. In the last analysis, the committee agreed with the testimony of former Secretary of State Dean Rusk. To wit, there is no evidence that the Soviet Government had any interest in removing President Kennedy, nor is there any evidence that it planned to take advantage of the President's death before it happened or attempted to capitalize on it after it occurred. In fact, the reaction of the Soviet Government as well as the Soviet people seemed to be one of genuine shock and sincere grief. The committee believed, therefore, on the basis of the evidence available to it, that the Soviet Government was not involved in the assassination.

2. THE COMMITTEE BELIEVES, ON THE BASIS OF THE EVIDENCE AVAILABLE TO IT, THAT THE CUBAN GOVERNMENT WAS NOT INVOLVED IN THE ASSASSINATION OF PRESIDENT KENNEDY

When the leader of a great nation is assassinated, those initially suspected always include his adversaries. When President John F. Kennedy was struck down by rifle fire in Dallas in November 1963, many people suspected Cuba and its leader, Fidel Castro Ruz, of involvement in the assassination, particularly after it was learned that Lee Harvey Oswald, the alleged assassin, had sought to travel to Cuba in September 1963.(*1*) To evaluate those suspicions properly, it is

[8] The committee concluded that it should not necessarily be inferred from the failure of the Soviet Government to cooperate with the committee that it was involved in the assassination. Just as agencies of the U.S. intelligence community are reluctant to share their confidential files, a similar response might be expected to come from the KGB. The Soviet Government, it could be argued, would have little to gain and much to lose by turning over its files. While the committee recognized the logic of this argument, it regretted that the Soviet Government, in the interest of historical truth, did not cooperate.

necessary to look at Cuban-American relations in the years immediately before and after President Kennedy took office.

(*a*) *United States-Cuban relations*

The triumphant arrival of Fidel Castro in Havana on January 1, 1959, marking a victorious climax of the revolution he had led, was initially heralded in the United States as well as in Cuba. Castro was hailed as a champion of the people, a man who would lead a free and democratic Cuba. While some suspected that Castro had Communist leanings, the majority of the American public supported him.(*2*) The appointment of Philip Bonsal as U.S. Ambassador to Cuba, replacing Earl E. T. Smith, who was personally wary of Castro, was a clear signal that the United States was interested in amicable relations with the revolutionary government. On appointing Bonsal, President Eisenhower expressed the hope for an "ever closer relationship between Cuba and the United States."(*3*)

By the end of 1959, however, United States-Cuban relations had deteriorated to the point that there was open hostility between the two countries.(*4*) President Kennedy was to inherit the problem in 1961, and by the time of his assassination on November 22, 1963, the antagonism had developed into a serious international crisis.

To begin with, the United States deplored the mass executions of officials of the Batista government that Castro had deposed.(*5*) In reply, Castro charged that the United States had never voiced objections to killing and torture by Batista. He said the trials and sentences would continue.(*6*) In his revolutionary economic policies, Castro took steps that severely challenged the traditional role of the United States. In March 1959, the Cuban Government took over the United States-owned Cuban Telephone Co.; in May, U.S. companies were among those expropriated in the Cuban Government's first large-scale nationalization action; also in May, the agrarian reform law resulted in the expropriation of large landholdings, many of them U.S.-owned.(*7*)

Vice President Nixon met with Castro in Washington in April. Castro left the meeting convinced that Nixon was hostile. For his part, Nixon recommended to President Eisenhower that the United States take measures to quash the Cuban revolution.(*8*)

Disillusionment with Castro also spread to significant elements of the Cuban populace. In June, the chief of the Cuban Air Force, Maj. Pedro Diaz Lanz, fled to the United States, charging there was Communist influence in the armed forces and the Government of Cuba.(*9*) A few weeks later, Manuel Urrutria Lleo, the President of Cuba, stated on Cuban national television that communism was not concerned with the welfare of the people and that it constituted a threat to the revolution. In the succeeding flurry of events, President Urrutria resigned after Castro accused him of "actions bordering on treason."(*10*)

By the summer of 1960, Castro had seized more than $700 million in U.S. property; the Eisenhower administration had canceled the Cuban sugar quota; Castro was cementing his relations with the Soviet Union, having sent his brother Raul on a visit to Moscow; Ernesto "Che" Guevara, a top Castro lieutenant, had proclaimed publicly that the revolution was on a course set by Marx; and CIA Director Allen Dulles had said in a speech that communism had pervaded Castro's

revolution.(*11*) On March 17, 1960, President Eisenhower quietly authorized the CIA to organize, train, and equip Cuban refugees as a guerrilla force to overthrow Castro.(*12*)

On January 2, 1961, the United States broke diplomatic relations with Cuba.(*13*) A period of increased tension followed. It was marked by an exchange of bitter statements by the new U.S. President, John F. Kennedy, and the Cuban Premier. Castro charged CIA complicity in counterrevolutionary activity against his Government and publicly predicted an imminent U.S. invasion.(*14*) In his state of the Union address on January 30, Kennedy said:

> In Latin America, Communist agents seeking to exploit that region's peaceful revolution of hope have established a base on Cuba, only 90 miles from our shores. Our objection with Cuba is not over the people's drive for a better life. Our objection is to their domination by foreign and domestic tyrannies * * *.

President Kennedy said further that "* * * Communist domination in this hemisphere can never be negotiated."(*15*)

(1) *Bay of Pigs.*—After much deliberation, President Kennedy gave the go-ahead for a landing of anti-Castro Cubans, with U.S. support, at the Bay of Pigs on the southern coast of Las Villas Province. It was launched on April 17, 1961, but it was thwarted by Cuban troops, said to have been commanded by Castro himself.(*16*)

On President Kennedy's orders, no U.S. military personnel actually fought on Cuban soil, but U.S. sponsorship of the landing was readily apparent. President Kennedy publicly acknowledged "sole responsibility" for the U.S. role in the abortive invasion.(*17*)

After the Bay of Pigs debacle, the tension continued to escalate. As early as April 20, President Kennedy reaffirmed, in a speech to the American Society of Newspaper Editors, that the United States was resolved not to abandon Cuba to communism.(*18*) On May 1, Secretary of State Dean Rusk told the Senate Foreign Relations Subcommittee on Latin American Affairs that if the Castro regime engaged in acts of aggression, the United States would "defend itself."(*19*) On May 17, the House of Representatives passed a resolution declaring Cuba to be "a clear and present danger" to the Western Hemisphere.(*20*)

Throughout 1961 and 1962, U.S. policy was to subject Cuba to economic isolation and to support stepped-up raids by anti-Castro guerrillas, many of which were planned with the assassination of Castro and other Cuban officials as a probable consequence, if not a specific objective.(*21*) The Cuban Government, in turn, assumed—often correctly—that the raids were instigated and directed by the U.S. Government.(*22*) In preparation for another large-scale attack, the Castro regime sought and received increased military support from the Soviet Union.(*23*)

(2) *Cuban missile crisis.*—All-out war between the United States and the U.S.S.R. was narrowly averted in the Cuban missile crisis in the fall of 1962. On October 22, President Kennedy announced that U.S. photographic reconnaissance flights had discovered that work was underway in Cuba on offensive missile sites with a nuclear strike capability. (*24*) On October 23, the President issued a proclamation impos-

ing a quarantine on the delivery of offensive weapons to Cuba, to be enforced by a U.S. naval blockade. (*25*)

Negotiations conducted between the United States and the Soviet Union resulted in an end to the immediate crisis on November 20, 1962. (*26*) To most observers, President Kennedy had won the confrontation with Castro and Soviet leader Nikita Khrushchev.[9] War had been averted, however narrowly. Russian IL–28 bombers were to be withdrawn from Cuba, and progress was being made on the removal of offensive missiles and other weapons. (*27*) The Soviets and the Cubans gained a "no invasion" pledge that was conditional upon a United Nations inspection to verify that Soviet offensive weapons had been removed from Cuba. (*28*) Because Castro never allowed the inspection, the United States never officially made the reciprocal pledge not to invade Cuba. (*29*)

There is evidence that by the fall of 1963, informal overtures for better United States-Cuban relations had been authorized by President Kennedy. (*30*) Talks between United States and Cuban officials at the United Nations were under consideration. In addition, the United States had attempted in the period after the missile crisis to stem the anti-Castro raids by, at least publicly, refusing to sanction them. (*31*) But covert action by the United States had neither ceased nor escaped Castro's notice, and the rhetoric indicated that the crisis could explode anew at any time. (*32*)

On September 7, 1963, in an interview with Associated Press reporter Daniel Harker, Castro warned against the United States "aiding terrorist plans to eliminate Cuban leaders," and added that U.S. leaders would be in danger if they promoted any attempt to eliminate the leaders of Cuba. (*33*) On November 18, in Miami, Fla., just 4 days before his assassination, President Kennedy stated:

> * * * what now divides Cuba from my Country * * * is the fact that a small band of conspirators has stripped the Cuban people of their freedom and handed over the independence and sovereignty of the Cuban nation to forces beyond this hemisphere. They have made Cuba a victim of foreign imperialism, an instrument of the policy of others, a weapon in an effort dictated by external powers to subvert the other American Republics. This, and this alone, divides us. (*34*)

(*b*) *Earlier investigations of Cuban complicity*

When President Kennedy was assassinated on November 22, 1963, the basic outlines of the recent history of United States-Cuban relations, if not the specific details, were known to every American who even occasionally read a newspaper. Thus, when speculation arose as to the possibility of conspiracy, Fidel Castro and his Communist government were natural suspects. While rationality may have precluded any involvement of the Cuban Government, the recognition that Castro had been among the late President's most prominent enemies compelled such speculation.

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[9] When it became known to anti-Castro Cuban exiles that Kennedy had agreed to stop the raids on Cuba, the exiles considered the Kennedy-Khrushchev deal anything but a victory. To them, it was another betrayal (see section C 3 for details).

(1) *The Warren Commission investigation.*—Investigative efforts into the background of Lee Harvey Oswald led to an early awareness of his Communist and pro-Castro sympathies, his activities in support of the Fair Play for Cuba Committee, and a trip he made in September 1963 to Mexico City where he visited the Soviet Embassy and the Cuban consulate.(*35*)

All of this information had been gathered prior to the beginning of the Warren Commission's investigation, and it was sufficient to alert the Commission to the need to investigate the possibility of a conspiracy initiated or influenced by Castro. The report of the Warren Commission reflects that it was indeed considered, especially with respect to the implications of Oswald's Mexico City trip.(*36*) In addition, the Warren Commission reviewed various specific allegations of activity that suggested Cuban involvement, concluding, however, that there had been no such conspiracy.(*37*) For the next few years, suspicions of Cuban involvement in the assassination were neither widespread nor vocal. Nevertheless, beginning with a 1967 column by Drew Pearson and Jack Anderson, press reports that suggested Castro's involvement in the assassination began to circulate once again.(*38*) Specifically, they posed the theory that President Kennedy might have been assassinated in retaliation for CIA plots against the life of the Cuban leader.

(2) *The U.S. Senate investigation.*—Thereafter, the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities was formed to investigate the performance of the CIA and other U.S. intelligence agencies.(*39*) The Senate committee detailed two general types of operations that the CIA had directed against Castro. One, referred to as the AMLASH operation, involved the CIA's relationship with an important Cuban figure (code-named AMLASH) who,(*40*) while he was trusted by Castro, professed to the CIA that he would be willing to organize a coup against the Cuban leader. The CIA was in contact with AMLASH from March 1961 until June 1965.(*41*) A second plot documented by the Senate committee was a joint effort by the CIA and organized crime in America. It was initiated in 1960 in a conversation between the agency's Deputy Director for Plans, Richard Bissell, and the Director of Security, Col. Sheffield Edwards. According to the Senate committee, this operation lasted until February 1963.(*42*)

The Senate committee concluded from its review of the joint operations of the CIA and organized crime that "* * * Castro probably would not have been certain that the CIA was behind the underworld attempts."(*43*) Nor, in the view of the Senate committee, would Castro have distinguished between the CIA-underworld plots and the numerous other plots by Cuban exiles which were not affiliated in any way with the CIA.(*44*) By emphasizing these two conclusions, the Senate committee apparently intended to suggest that the efforts by the CIA and organized crime to eliminate Castro would not have resulted in any retaliation against officials of the United States.(*45*)

The Senate committee identified the AMLASH operation as being "clearly different" from the CIA-underworld plots.(*46*) It was still in progress at the time of the assassination, and it could clearly be traced to the CIA, since AMLASH's proposed coup had been endorsed

by the CIA, with the realization that the assassination of Castro might be a consequence.(*47*) Nevertheless, the Senate committee found "* * * no evidence that Fidel Castro or others in the Cuban Government plotted President Kennedy's assassination in retaliation for U.S. operations against Cuba."(*48*) The Senate committee left the door open, however, stating, "* * * the investigation should continue in certain areas, and for that reason (the committee) does not reach any final conclusions."(*49*)

(3) *The CIA's response to the Senate.*—In response to publication of the report of the Senate committee, a special internal CIA task force was assigned in 1977 to investigate and evaluate the critical questions that had been raised. The task force first considered the retaliation thesis. It advanced the position that the Senate committee had essentially ignored the history of adversarial relations between the United States and Cuba which, if provocation were the issue, provided adequate grounds to support a theory of possible retaliation without the necessity of reaching for specific Agency programs such as the Mafia and AMLASH plots.(*50*) In essence, the task force report suggests, those plots were only one aspect of a large picture and in themselves were not sufficient to have provoked retaliation.(*51*).

The 1977 CIA task force then specifically responded to the Senate committee with respect to the AMLASH operation:

> Whatever the relationship with AMLASH, following the death of President Kennedy, there is every indication that during President Kennedy's life AMLASH had no basis for believing that he had CIA support for much of anything. Were he a provocateur reporting to Castro, or if he was merely careless and leaked what he knew, he had no factual basis for leaking or reporting any actual CIA plot directed against Castro.(*52*)

With respect to the CIA-sponsored organized crime operations, the CIA task force noted:

> It is possible that the CIA simply found itself involved in providing additional resources for independent operations that the syndicate already had underway * * * [I]n a sense CIA may have been piggy-backing on the syndicate and in addition to its material contributions was also providing an aura of official sanction.(*53*)

The task force argued, therefore, that the plots should have been seen as Mafia, not CIA, endeavors.

A conclusion of the Senate committee had been that further investigation was warranted, based in part on its finding that the CIA had responded inadequately to the Warren Commission's request for all possible relevant information. The CIA had not told the Commission of the plots.(*54*) In response, the 1977 CIA task force observed:

> While one can understand today why the Warren Commission limited its inquiry to normal avenues of investigation, it would have served to reinforce the credibility of its effort had it taken a broader view of the matter. CIA, too, could have considered in specific terms what most saw in general terms—the possibility of Soviet or Cuban involvement in the JFK

> assassination because of the tensions of the time * * * The Agency should have taken broader initiatives, then, as well. That CIA employees at the time felt—as they obviously did—that the activities about which they knew had no relevance to the Warren Commission inquiry does not take the place of a record of conscious review. (*55*)

(*c*) *The committee's analysis of the CIA task force report*

The committee believed its mandate compelled it to take a new look at the question of Cuban complicity in the assassination.

The Warren Commission had expressed its view, as follows:

> * * * the investigation of the Commission has thus produced no evidence that Oswald's trip to Mexico was in any way connected with the assassination of President Kennedy, nor has it uncovered evidence that the Cuban Government had any involvement in the assassination. (*56*)

There are two ways that this statement may be read:

> The Warren Commission's investigation was such that had a conspiracy existed, it would have been discovered, and since it was not, there was no conspiracy.
>
> The Warren Commission's investigation, limited as it was, simply did not find a conspiracy.

Although the Commission inferred that the first interpretation was the proper one, the committee investigated the possibility that the second was closer to the truth.

Similarly, the committee investigated to see if there was a factual basis for a finding made by the Senate Select Committee that the CIA plots to assassinate Castro could have given rise to crucial leads that could have been pursued in 1963 and 1964, or, at a minimum, would have provided critical additional impetus to the Commission's investigation. (*57*)

As previously noted, although the 1977 CIA Task Force Report at least nominally recognized that the Agency, in 1962–64, "* * * could have considered in specific terms what most saw then in general terms—the possibility of Soviet or Cuban involvement in the assassination because of the tensions of the time," and that the Agency "should have taken broader initiatives then," the remainder of the Task Force Report failed to specify what those broader initiatives should have been or what they might have produced. It did, however, enumerate four areas for review of its 1963–64 performance:

> Oswald's travel to and from the U.S.S.R.;
>
> Oswald's Mexico visit in September–October 1963;
>
> The CIA's general extraterritorial intelligence collection requirements; and
>
> Miscellaneous leads that the Senate committee alleged the Agency had failed to pursue. (*58*)

The 1977 Task Force Report reviewed the question of Agency operations directed at Cuba, including, in particular, the Mafia and AMLASH plots. (*59*) In each area, the report concluded that the Agency's 1963–64 investigation was adequate and could not be faulted, even with the benefit of hindsight. (*60*) The task force uncritically accepted the Senate committee's conclusions where they were favor-

able to the Agency,[10] and it critically rejected the Senate committee's conclusions (as in the case of AMLASH) wherever some possible investigative oversight was suggested. (*62*)

The 1977 Task Force Report, in sum, did little more than suggest that any theoretically "broader initiatives" the Agency could have taken in 1963–64 would have uncovered nothing. They would only have served to head off outside criticism. That conclusion is illustrated in the following passage of the report:

> * * * [our] findings are essentially negative. However, it must be recognized that CIA cannot be as confident of a cold trail in 1977 as it could have been in 1964; this apparent fact will be noted by the critics of the Agency, and by those who have found a career in the questions already asked and yet to be asked about the assassination of President Kennedy. (*63*)

The committee, of course, realized that the CIA's 1977 review might be correct, that broader initiatives might only have been window dressing and would have produced nothing of substance. But the 1977 report failed to document that fact, if it were a fact. For example, it provided no detailed résumé of the backgrounds of those CIA case officers, Cubans and Mafia figures who plotted together to kill Castro. There is nothing in the report on the activities of the anti-Castro plotters during the last half of 1963. If the Agency had been truly interested in determining the possible investigative significance to the Kennedy assassination of such CIA-Cuban-Mafia associations, the committee assumed it would have directed its immediate attention to such activities in that period.

The task force report also noted that even without its taking broader initiatives, the CIA still sent general directives to overseas stations and cited, as an example, a cable which read:

> Tragic death of President Kennedy requires all of us to look sharp for any unusual intelligence development. Although we have no reason to expect anything of a particular military nature, all hands should be on the quick alert for the next few days while the new President takes over the reins. (*64*)

The report reasoned that the CIA's tasking of its stations was "necessarily general," since little was known at the time about which it could be specific. (*65*)

The CIA task force further noted that 4 days after this general cable was sent, a followup request for any available information was sent to 10 specific stations. The task force argued, in any event, that such general requirements for intelligence-gathering would have been adequate, since "relevant information on the subject" would have been reported anyway. (*66*)

Conspicuously absent from such self-exculpatory analysis was any detailed discussion of what specific efforts the Agency's stations actually made to secure "relevant information" about the assassination.

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[10] For example, with respect to the Agency's investigation of Oswald's trip to Russia, the report summarily concluded, "Book V of the SSC Final Report, in not criticizing the Agency's performance in this aspect of the investigation, seems to have accepted it as adequate, and it will not be detailed here." (*61*)

For example, it became generally known that in 1963 the CIA had a station in Florida through which it monitored the activities of most of the anti-Castro Cuban groups operating in the United States. While the Florida station was mentioned, the task force report failed to make a comprehensive analysis of what requirements were placed on the station and the station's response. It might have been expected that the station would have been required to contact and debrief all of its Cuban sources. In addition, the station should have been asked to use all of its possible sources to determine if any operatives in the anti-Castro Cuban community had information about possible Cuban Government involvement or about any association between Oswald and possible Cuban Government agents. Further, the station, or possibly other units of the CIA, should have been tasked to attempt to reconstruct the details of the travels and activities of known pro-Castro Cuban operatives in the United States for 60 or 90 days prior to the assassination. (Such undertakings might have been made without specific cables or memoranda requiring them. The Task Force Report implied such efforts were taken by the stations "on their own initiative." (*67*) But the Task Force Report failed to document or even discuss the details of such efforts or the responses of the stations to CIA headquarters.)

The committee found that the CIA's 1977 Task Force Report was little more than an attempted rebuttal of the Senate Select Committee's criticisms, and not a responsible effort to evaluate objectively its own 1963–64 investigation or its anti-Castro activities during the early 1960's or to assess their significance vis-a-vis the assassination.

The committee made an effort to evaluate these questions through its own independent investigation. In investigating the implications of the CIA plots and the Warren Commission's ignorance of them, the committee conducted interviews, depositions and hearings for the purpose of taking testimony from pertinent individuals, conducted interviews in Mexico and Cuba, and reviewed extensive files at the CIA and FBI.(*68*)

(1) *AMLASH.*—Turning first to the AMLASH operation, the committee received conflicting testimony as to whether, prior to the Kennedy assassination, it was considered to be an assassination plot. Former CIA Director Richard M. Helms, in his testimony before the committee, stated that the AMLASH operation was not designed to be an assassination plot.(*69*) And, as already indicated, the 1977 Task Force Report concluded that AMLASH had "no factual basis for leaking or reporting any actual Central Intelligence Agency plot directed against Castro" during President Kennedy's life.(*70*)

The committee, however, noted that such characterizations were probably both self-serving and irrelevant. The committee found that the evidence confirmed the Senate committee's report that AMLASH himself envisioned assassination as an essential first step in any overthrow of Castro.(*71*) It also noted that it was Castro's point of view, not the Agency's, that would have counted.

The CIA's files reflect that as early as August 1962, AMLASH spoke to his CIA case officer about being interested in the "* * * sabotage of an oil refinery and the execution of a top ranking Castro subordinate, of the Soviet Ambassador and of Castro himself."(*72*) The case officer,

in his report, while stating he made no commitments to AMLASH, acknowledged that he did tell AMLASH "* * * schemes like he envisioned certainly had their place, but that a lot of coordination, planning, information-collection, et cetera, were necessary prerequisites to insure the value and success of such plans."(*73*) Further, cables between the case officer and CIA headquarters reflected that the Agency decided not to give AMLASH a "physical elimination mission as [a] requirement," but that it was something "he could or might try to carry out on his own initiative."(*74*) Thus, the CIA's relationship with AMLASH at least left him free to employ assassination in the coup he was contemplating. That relationship could also have been viewed by Castro as one involving the CIA in his planned assassination.

Ultimately, the CIA also provided AMLASH with the means of assassination and assurances that the U.S. Government would back him in the event his coup was successful.(*75*) CIA files reflect that AMLASH returned to Cuba shortly after the August 1962 meetings.(*76*) He next left Cuba and met with a CIA officer in September 1963. At that time, the CIA learned that AMLASH had not abandoned his intentions and that he now wanted to know what the U.S. "plan of action" was.(*77*) On October 11, the case officer cabled headquarters that AMLASH was determined to make the attempt on Castro with or without U.S. support.(*78*) On October 21, he reported that AMLASH wanted assurance that the United States would support him if his effort was successful.(*79*) On October 29, Desmond FitzGerald, chief of the Special Affairs Staff, met with AMLASH, representing himself as a spokesman for Attorney General Robert Kennedy. FitzGerald gave AMLASH the assurance he had asked for,(*80*) although the CIA has argued that the support did not specifically include assassination.

At the end of the meeting, according to the case officer's memorandum. AMLASH asked for "technical support" which, according to FitzGerald's memory, was described by AMLASH as being a high-powered rifle, or other weapon, to kill Castro.(*81*) Although the CIA files reflect that AMLASH did not receive the assurances of pre-assassination "technical support" he had asked for on October 29, the matter was further discussed, at least within the Agency, and on November 20 AMLASH was told that the meeting he "had requested" had been granted.(*82*) The technical support, as the Senate committee reported, was actually offered to AMLASH on November 22, 1963, the day President Kennedy was assassinated.(*83*)

Whether CIA officials chose to characterize their activity as an assassination plot, it is reasonable to infer that had Castro learned about the meetings between AMLASH and the CIA, he could also have learned of AMLASH's intentions, including the fact that his assassination would be a natural and probable consequence of the plot. In a deposition to the committee, Joseph Langosch, in 1963 the Chief of Counterintelligence for the CIA's Special Affairs Staff,(*84*) recalled that, as of 1962, it was highly possible that Cuban intelligence was aware of AMLASH and his association with the CIA.(*85*) (SAS was responsible for CIA operations against the Government of Cuba and as such was in charge of the AMLASH operation.(*86*))

The committee was unable to determine if that possibility was a reality. The Cuban Government informed the committee that it had come to believe that AMLASH was in fact Rolando Cubela (based upon its construction of a profile from biographic information on AMLASH made public by the Senate committee).(*87*) It stated it did not know of Cubela's intentions until 1966.(*88*)

The committee was unable to confirm or deny the validity of the Cuban Government's belief that AMLASH was Cubela. Nevertheless, the committee considered the statement that, if Cubela were AMLASH, the Cuban Government did not know of his intentions until 1966. On this point, the committee was unable to accept or reject the Cuban Government's claim with confidence. The committee merely noted that the statement was corroborated by other information known about the dates of Cubela's arrest and trial in Cuba and the charges against him. The Cuban Government's position must, however, be recognized as potentially self-serving, since it must be assumed the Cuban Government would be inclined not to reveal any knowledge it may have had about AMLASH's assassination plans and the CIA prior to November 22, 1963. If it had indicated it knew, it would have contributed to the credibility of the Senate's theories about possible Cuban involvement in the assassination as a retaliatory act.(*89*)

The committee, while in Cuba, spoke to Rolando Cubela, who was serving a life sentence for acts against the Cuban Government. He confirmed the statements of the Cuban Government to the committee(*90*) that he did not give the Cuban Government any information that would have led it to believe that the CIA was involved in a plot on Castro's life in 1963. In considering Cubela's testimony, the committee took into account the possible influence of his confinement.

After reviewing all the available evidence, the committee concluded that Castro may well have known about the AMLASH plot by November 22, 1963, and, if so, he could have either documented or assumed it was backed by the United States and that it was directed at his life. The committee believed that the details of the AMLASH operation should have been provided to the Warren Commission, since the Commission might have been able to develop leads to participants in the Kennedy assassination. At a minimum, the existence of the plot, if it had been brought to the Commission's attention, would have served as a stimulus in the 1963–64 investigation.

In conclusion, the committee believed a description of the activities of participants in the AMLASH plot should have been provided to the Warren Commission. It based this not only on the possibility that the plots could have increased Castro's motivation to conspire to assassinate President Kennedy (assuming he, in fact, was privy to the plot prior to November 22, 1963), but also because knowledge of the AMLASH plot might have increased the interest of the CIA, FBI, and Warren Commission in a more thorough investigation of the question of Cuban conspiracy. In stating this view, the committee did not reject the suggestion in the CIA's 1977 Task Force Report that Castro already had significant motivation to assassinate President Kennedy, even if he were not aware of the AMLASH plot. The committee noted, however, that to the extent that that thesis was true, it did not negate the conclusion that the AMLASH plot was relevant

and that information about it should have been supplied to the Warren Commission. If it had been made available, it might have affected the course of the investigation.

(2) *CIA-Mafia Plots.*—Turning next to the CIA-Mafia plots, the committee found in its investigation that organized crime probably was active in attempts to assassinate Castro, independent of any activity it engaged in with the CIA, as the 1977 Task Force Report had suggested. (*91*) The committee found that during the initial stages of the joint operation, organized crime decided to assist the CIA for two reasons: CIA sponsorship would mean official sanction and logistical support for a Castro assassination; and a relationship with the CIA in the assassination of a foreign leader could be used by organized crime as leverage to prevent prosecution for unrelated offenses. (*92*)

During the latter stages of the CIA-Mafia operation, from early 1962 to early 1963, however, organized crime may no longer have been interested in assassinating Castro. (*93*) The Soviet influence in Cuba had rendered the prospect of regaining the old Havana territory less likely, and there were fortunes to be made in the Bahamas and elsewhere. (*94*) There is reason to speculate that the Mafia continued to appear to participate in the plots just to keep the CIA interested, in hopes of preventing prosecution of organized crime figures and others involved in the plots. (*95*)

This theory is supported by the actions of Robert Maheu, an FBI agent turned private investigator who had acted as a CIA-organized crime go-between, and John Roselli, a Mafia principal in the plots. (*96*) Maheu, for example, was the subject of an FBI wiretap investigation in Las Vegas in the spring of 1962. He had installed a telephone wiretap, which he claimed was done as a favor to Mafia chieftain Sam Giancana, who was also involved in the anti-Castro plots. (*97*) Maheu's explanation to the FBI was that the tap was placed as part of a CIA effort to obtain Cuban intelligence information through organized crime contacts. The CIA corroborated Maheu's story, and the case was not prosecuted. (*98*) In addition, in 1966, Maheu used his contacts with the CIA to avoid testifying before a Senate committee that was conducting hearings into invasion of privacy. (*99*)

As for Roselli, the committee considered it significant that public revelations about the plots corresponded with his efforts to avoid deportation in 1966 and 1971 and to escape prosecution for illegal gambling activities in 1967. (*100*) It was Roselli who managed the release of information about the plots and who proposed the so-called turnaround theory of the Kennedy assassination (Cuban exiles hired by the Mafia as hit men, captured by Castro, were forced to "turn around" and murder President Kennedy). (*101*) The committee found it quite plausible that Roselli would have manipulated public perception of the facts of the plots, then tried to get the CIA to intervene in his legal problems as the price for his agreeing to make no further disclosures.

The allegation that President Kennedy was killed as a result of a Mafia-CIA plot that was turned around by Castro was passed to Drew Pearson and Jack Anderson by Washington attorney Edward P. Mor-

gan; its ultimate source was Roselli.(*102*) The committee found little credibility in such an explanation for the President's death because, if for no other reason, it would have been unnecessarily risky. The committee determined from CIA files that, in 1963, the Cuban Government had agents of its own in nearly every country of the Western Hemisphere, including the United States, who undoubtedly would have been more dependable for such an assignment. Even if Castro had wanted to minimize the chance of detection by using hired non-Cuban killers, it appeared unlikely to the committee that he would have tried to force Mafia members or their Cuban exile confederates to engage in the assassination of an American head of state.

The committee found it more difficult to dismiss the possibility that the Mafia, while it was not turned around by Castro, might have voluntarily turned around with him. By late 1962 and 1963, when the underworld leaders involved with the CIA in the plots had perhaps lost their motivation to assassinate Castro, they had been given sufficient reason by the organized crime program of the Department of Justice to eliminate President Kennedy.

The committee's investigation revealed that Mafia figures are rational, pragmatic "businessmen" who often realine their associations and form partnerships with ex-enemies when it is expedient.(*103*) While Castro, by 1963, was an old enemy of organized crime, it was more important that both Castro and the Mafia were ailing financially, chiefly as a result of pressures applied by the Kennedy administration.(*104*) Thus, they had a common motive that might have made an alliance more attractive than a split based on mutual animosity.

By 1963 also, Cuban exiles bitterly opposed to Castro were being frustrated by the Kennedy administration.(*105*) Many of them had come to conclude that the U.S. President was an obstacle requiring elimination even more urgently than the Cuban dictator.(*106*) The Mafia had been enlisted by the CIA because of its access to anti-Castro Cuban operatives both in and out of Cuba.(*107*) In its attempt to determine if the Mafia plot associations could have led to the assassination, the committee, therefore, recognized that Cuban antagonism toward President Kennedy did not depend on whether the Cubans were pro- or anti-Castro.

The committee found that the CIA-Mafia-Cuban plots had all the elements necessary for a successful assassination conspiracy—people, motive and means, and the evidence indicated that the participants might well have considered using the resources at their disposal to increase their power and alleviate their problems by assassinating the President. Nevertheless, the committee was ultimately frustrated in its attempt to determine details of those activities that might have led to the assassination—identification of participants, associations, timing of events and so on. Many of the key figures of the Castro plots had, for example, since died or, as in the case of both Giancana and Roselli, had been murdered.

The committee was also unable to confirm in its investigation the findings of the Senate committee and the CIA that there were reasons to discount the dangers to President Kennedy that may have resulted from CIA associations with the Mafia in anti-Castro activities. The

committee did not agree with the Senate committee that Castro would not have blamed President Kennedy for the CIA-Mafia plots against his life. They were formulated in the United States, and the history of United States-Cuban relations shows that when Castro erred in his assumptions, it was in the direction of attributing more, not less, responsibility for attempts to depose him to U.S. Government actions than might have been merited.

In its 1977 Task Force Report, the CIA commented on this reality:

> The United States provided a haven and base for Cuban exiles, who conducted their independent operations against the Castro government. Some of these exiles had the support of CIA, as well as from other elements of the U.S. Government, and still others had support from private sources. With or without official U.S. support these exiles spoke in forceful Latin terms about what they hoped to do. The Cuban intelligence services had agents in the exile community in America and it is likely that what they reported back to Havana assigned to CIA responsibility for many of the activities under consideration, whether CIA was involved or not.(*108*)

From its investigation of documents and from the testimony of officials and others, the committee decided that the Senate committee was probably mistaken in its conclusion that the CIA-Mafia plots were less significant than the AMLASH plot. In the judgment of the committee, the CIA-Mafia plots, like the AMLASH plot, should have been aggressively explored as part of the 1963–64 investigation of the assassination of President Kennedy. At that time, it might still have been possible to determine precise dates of trips, meetings, telephone communications, and financial transactions, and the participants in these potentially pertinent transactions could have been questioned. At least in this one respect, the committee must concur with a sentiment expressed in the 1977 CIA Task Force Report:

> Today, the knowledge of the persons involved directly in the various Cuban operations in the period preceding President Kennedy's death cannot be recaptured in the form that it existed then. These persons are scattered, their memories are blurred by time, and some are dead.(*109*)

The committee, moreover, was unable to accept the conclusion of the CIA and the Senate committee that the CIA-Mafia plots were irrelevant because they had been terminated in February 1963, several months before the assassination. The record is clear that the relationships created by the plots did not terminate, nor had the threat to Castro abated by that time. There is insufficient evidence to conclude that the inherently sinister relationships had become benign by November 22, 1963.

In June 1963, according to the interim report of the Senate committee, Roselli had dinner with William Harvey, chief of the CIA's Cuban Task Force.(*110*) CIA files show that Roselli continued to maintain direct contact with Harvey at least until 1967, and he was in touch, at least indirectly, with the Agency's Chief of the Operational Support Branch, Office of Security, as late as 1971.(*111*) The Task Force Report itself alluded to information that, as late as June

1964, gangster elements in Miami were offering $150,000 for Castro's life, "an amount mentioned to the syndicate representatives by CIA case officers at an earlier date."(*112*)

In the absence of documentation of the activities of Mafia plot participants between February 1963 and November 22, 1963—which had not been obtained in earlier investigations, and the committee was able to do no better—the committee found it difficult to dismiss the CIA-Mafia plots, even assuming they had been terminated in February 1963, as of no consequence to the events in Dallas on November 22, 1963. The plots, in short, should have been made known to the Warren Commission. If they had been investigated in 1964, they might have provided insights into what happened in Dallas and resolved questions that have persisted.

(3) *Summary of the evidence.*—By its conclusions about the AMLASH operation and the CIA-Mafia plots—that they were of possible consequence to the assassination investigation and therefore should have been revealed to the Warren Commission—the committee did not intend to imply it had discovered a link to the assassination. To the contrary, the committee was not able to develop evidence that President Kennedy was murdered in retaliation for U.S. activities against Castro. What the committee did determine, however, was that there was no basis, in terms of relevance to the assassination, for the CIA to decide that the AMLASH operation and the CIA-Mafia plots were of no significance to the Warren Commission's investigation. On the other hand, the possibility that President Kennedy was assassinated in retaliation for anti-Castro activities of the CIA should have been considered quite pertinent, especially in light of specific allegations of conspiracy possibly involving supporters of the Cuban leader.

(d) Cubana Airlines flight allegation

The committee considered specific allegations of conspiracy involving supporters of Castro.

One such charge, referred to in book V of the Senate select committee's report, concerns a Cubana Airlines flight from Mexico City to Havana on the evening of November 23, 1963.(*113*) It had been alleged that the flight was delayed 5 hours, awaiting the arrival at 9:30 p.m. of a private twin-engined aircraft.(*114*) The aircraft was supposed to have deposited an unidentified passenger who boarded the Cubana flight without clearing customs and traveled to Havana in the pilot's cabin.(*115*)

The Senate committee reported that the Cubana flight departed at 10 p.m. This committee checked the times of key events that night by reviewing extensive investigative agency documents. It found the following facts:

The Cubana flight was on the ground in Mexico City for a total of only about 4 hours and 10 minutes and thus could not have been delayed five hours.(*116*)

The Cubana flight had departed for Havana at 8:30 p.m., about an hour before the arrival of the private aircraft reportedly carrying a mysterious passenger, so he could not have taken the flight.(*117*)

The committee found that extensive records of flight arrivals and departures at the Mexico City airport were available and deemed it doubtful that the alleged transfer of a passenger from a private aircraft to the Cubana flight could have gone unnoticed, had it occurred.(*118*) The committee concluded, therefore, that the transfer did not occur.

(*e*) *Gilberto Policarpo Lopez allegation*

More troubling to the committee was another specific allegation discussed by the Senate committee. It concerned a Cuban-American named Gilberto Policarpo Lopez.(*119*) According to the account, Lopez obtained a tourist card in Tampa, Fla., on November 20, 1963, entered Mexico at Nuevo Laredo on November 23, and flew from Mexico City to Havana on November 27.(*120*) Further, Lopez was alleged to have attended a meeting of the Tampa chapter of the Fair Play for Cuba Committee on November 17, 1963, and at a December meeting of the chapter, Lopez was reported to be in Cuba.(*121*)

The committee first examined the CIA files on Policarpo Lopez.(*122*) They reflect that in early December 1963, CIA headquarters received a classified message stating that a source had requested "urgent traces on U.S. citizen Gilberto P. Lopez." (*123*) According to the source, Lopez had arrived in Mexico on November 23 en route to Havana and had disappeared with no record of his trip to Havana. The message added that Lopez had obtained tourist card No. 24553 in Tampa on November 20, that he had left Mexico for Havana November 27 on Cubana Airlines, and that his U.S. passport number was 310162.(*124*)

In another classified message of the same date, it was reported that the FBI had been advised that Lopez entered Mexico on November 27 at Nuevo Laredo.(*125*)

Two days later these details were added: Lopez had crossed the border at Laredo, Tex., on November 23; registered at the Roosevelt Hotel in Mexico City on November 25; and departed Mexico on November 27 on a Cubana flight for Havana.(*126*) Another dispatch noted that Lopez was the only passenger on Cubana flight 465 on November 27 to Havana.(*127*) It said he used a U.S. passport and Cuban courtesy visa. It noted, too: "Source states the timing and circumstances surrounding subject's travel through Mexico and departure for Havana are suspicious." It was this dispatch that alerted headquarters to the source's "urgent" request for all available data on Lopez.(*128*)

The same day as the dispatch, headquarters sent a cable identifying the Cuban-American as Gilberto Policarpo Lopez, born January 26, 1940. It added that Lopez was not identical with a Gilberto Lopez who had been active in pro-Castro groups in Los Angeles.(*129*)

Headquarters was also told that there existed a "good" photograph of Lopez, showing him wearing dark glasses. A copy of the photograph with "27 November 1963" stamped on the back was found in his CIA file by committee investigators in 1978.(*130*)

In March 1964, CIA headquarters received a classified message: a source had reported in late February that an American citizen named

Gilberto Lopes [11] had been involved in the Kennedy assassination; that Lopes had entered Mexico on foot from Laredo, Tex., on November 13 carrying U.S. passport 319962, which had been issued July 13, 1960; that he had been issued Mexican travel form B24553 in Nuevo Laredo; that Lopes had proceeded by bus to Mexico City "where he entered the Cuban Embassy"; and that he left the Cuban Embassy on November 27 and was the only passenger on flight 465 for Cuba. (*132*)

The following day, a classified message was sent to headquarters stating that the information "jibes fully with that provided station by [source] in early December 1963." (*133*)

A file had been opened on Lopez at headquarters on December 16, 1963. (*134*) It contained a "Review of [material omitted] file on U.S. Citizen" by an operations officer of the responsible component of the agency. In the review, the file was classified as a "counterintelligence case, (that is, involving a foreign intelligence or security service)." The date of entry of that category in the agency's records is indicated as January 22, 1975. (*135*)

The committee also reviewed an FBI investigation of Gilberto Policarpo Lopez in Key West, Fla., contained in a report dated August 26, 1964. (*136*)

In an interview, Lopez' cousin, Guillermo Serpa Rodriguez, had said that Lopez had come to the United States soon after Castro came to power, stayed about a year and returned to Cuba because he was homesick. He returned to the United States in 1960 or 1961, fearing he would be drafted into the Cuban militia. (*137*)

The FBI also interviewed an American woman Lopez had married in Key West. She listed companies where he had been employed, including a construction firm in Tampa. She also said he began suffering from epileptic attacks, was confined for a time at Jackson Memorial Hospital in Miami in early 1963, and was treated by doctors in Coral Gables and Key West. She said she believed the epilepsy was brought on by concern for his family in Cuba. (*138*)

Lopez' wife said she received a letter from him in about November 1963, saying he had returned to Cuba once more. She said she had been surprised, although he had mentioned returning to Cuba before he left for Tampa in November 1963. In a later letter, Lopez told his wife he had received financial assistance for his trip to Cuba from an organization in Tampa. His wife explained that he would not have been able to pay for the trip without help. She said, however, he had not had earlier contacts with Cuban refugee organizations. (*139*)

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[11] The committee noted the discrepancies in this message, as follows: the spelling of Lopes, for Lopez; the November 13 date and passport number 319962, issued July 13, 1960; and Lopez entering Mexico on foot. In its 1977 Task Force Report, the CIA cited the several "inaccuracies," as they had been repeated in the report of the Senate Select Committee, as reason to refute the report itself. The TFR pointed out that Lopez' name had been misspelled "Lopes," that it had Lopez entering Mexico on foot, when the CIA had information that he had traveled by automobile; that it listed incorrect digits for Lopez' passport number: that it stated that Lopez' Mexican tourist visa had been issued in Nuevo Laredo, not Tampa; and it reported that he had stayed at the Cuban Embassy. Based on these inaccuracies, the TFR concluded, "the source was patently and extensively misinformed." The TFR therefore discounted the March cable that held that the information "jibed" with what the CIA's source had earlier reported. (*131*)

The discrepancies pointed out in the TFR were apparently intended to explain why the CIA had not taken more aggressive investigative steps to determine whether there had been a connection between Lopez and the assassination.

Rodriguez said Lopez left Key West in late 1963 for Tampa with the hope of being able to return to Cuba, explaining he was afraid he would be drafted into the U.S. military. Rodriguez said Lopez had not been involved in pro-Castro activity in Key West, but that he was definitely pro-Castro, and he had once gotten into a fistfight over his Castro sympathies.(*140*)

The FBI had previously documented that Lopez had actually been in contact with the Fair Play for Cuba Committee and had attended a meeting in Tampa on November 20, 1963. In a March 1964 report, it recounted that at a November 17 meeting of the Tampa FPCC, Lopez had said he had not been granted permission to return to Cuba but that he was awaiting a phone call about his return to his homeland. In that March report, a Tampa FPCC member was quoted as saying she called a friend in Cuba on December 8, 1963, and was told that Lopez had arrived safely. She also said that the Tampa chapter of the FPCC had given Lopez about $190 for the trip to Cuba and that he had gone to Cuba by way of Mexico because he did not have a passport.(*141*)

The March 1964 FBI report stated that Lopez did have a U.S. passport—it had been issued in January 1960 and was numbered 310162. His Mexican tourist card was numbered M8–24553 and was issued November 20, 1963 in Tampa. The report also confirmed that Lopez entered Mexico via Laredo, Tex., by automobile on November 23, and he departed for Havana on November 27, the only passenger on a Cubana flight. He was carrying a Cuban courtesy visa.(*142*)

Lopez' FBI file contained a memorandum from the Tampa office. Dated October 26, 1964, it read:

> It is felt that information developed regarding the subject is not sufficient to merit consideration for the Security Index.(*143*)

The only information transmitted by the FBI to the Warren Commission, the committee determined, concerned a passport check on Lopez. Information sent to the Commission by the FBI on the Tampa chapter of the FPCC did not contain information on Lopez' activities. The CIA apparently did not provide any information to the Warren Commission on Lopez.(*144*) The committee concurred with the Senate select committee that this omission was egregious, since sources had reported within a few days of the assassination that the circumstances surrounding Lopez' travel to Cuba seemed "suspicious." Moreover, in March 1964, when the Warren Commission's investigation was in its most active stage, there were reports circulating that Lopez had been involved in the assassination.

In its 1977 Task Force Report, the CIA responded to the charges of the Senate committee. It claimed that the agency had carried its investigation of Lopez as far as it could, having questioned a Cuban defector about him.(*145*) The committee found that the absence of access to additional sources of information was not an adequate explanation for the agency's failure to consider more seriously the suspicions of its sources or to report what information it did have to the Warren Commission. Attempts in the Task Force Report to denigrate the information that was provided on Lopez were not an adequate substitute for enabling the Warren Commission itself to pursue the leads more aggressively.

From the information gathered by the FBI, there appeared to be plausible reasons both for Lopez' desire to return to Cuba and for his solicitation of financial aid from the Tampa FPCC chapter. Lopez' contacts in Florida appeared to have been innocent and not connected with the assassination, and while there was a suggestion in the Senate committee's report that Lee Harvey Oswald also was in contact with the Tampa FPCC chapter, the committee could find no evidence of it. Nor could the committee find any evidence that Oswald was in contact with Lopez.

Lopez' association with the Fair Play for Cuba Committee, however, coupled with the fact that the dates of his travel to Mexico via Texas coincide with the assassination, plus the reports in Mexico that Lopez' activities were "suspicious," all amount to a troublesome circumstance that the committee was unable to resolve with confidence.

(f) Other allegations

The committee also pursued allegations of Cuban complicity that were not suggested by the investigation of the Senate committee. For example, it looked into an allegation by one Autulio Ramirez Ortiz, who hijacked an aircraft to Cuba in 1961. Ramirez claimed that while being held by the Cuban Government, he worked in an intelligence facility where he found a dossier on Lee Harvey Oswald.(*146*) It was labeled the "Osvaldo-Kennedy" file and contained a photograph of "Kennedy's future assassin."(*147*) In the Spanish language manuscript of a book he wrote, Ramirez claimed the Oswald file read, in part, "* * * The KGB has recommended this individual * * * He is a North American, married to an agent of the Soviet organism who has orders to go and reside in the United States. Oswald is an adventurer. Our Embassy in Mexico has orders to get in contact with him. Be very careful."(*148*)

The committee, in executive session, questioned Ramirez, who had been returned to the United States to serve a 20-year Federal sentence for hijacking.(*149*) He testified he was unable to describe the photograph he had allegedly seen and that the writing in the file was in Russian, a language he does not speak.(*150*)

The committee sought from the FBI and CIA independent evidence of the accuracy of Ramirez' allegations, but there was no corroboration of the existence of an "Osvaldo-Kennedy" file to be found. On the other hand, in every instance where there was independent evidence of allegations made by Ramirez (the identities of Cuban officials named by him, for example) Ramirez' statements were found to be accurate.(*151*)

In the end, however, the committee was forced to dismiss Ramirez' story about the "Osvaldo-Kennedy" file. The decisive factor was the committee's belief that the Cuban intelligence system in the 1961–63 period was too sophisticated to have been infiltrated by Ramirez in the manner he had described. While some details of his story could be corroborated, the essential aspects of his allegation were incredible.

The committee also considered the allegation that appeared in an article in a 1967 issue of the National Enquirer, written by a British freelancer named Comer Clark.(*152*) Purportedly based on an exclusive interview with Castro, it quoted the Cuban President as admitting to having heard of threats by Oswald to assassinate President

Kennedy. According to Clark, Castro told him that while at the Cuban consulate in Mexico City in September 1963, Oswald vowed he would kill the President. (*153*)

On a trip to Havana in April 1978, the committee met with President Castro and asked him about the charge. Castro denied there had ever been an interview with Clark. (*154*) He also suggested that had such a threat been overheard by Cuban officials, they and he would have been morally obligated to transmit it to U.S. authorities. (*155*)

The committee did not agree that the Cuban Government would have been obligated to report the threat. Nothing in the evidence indicated that the threat should have been taken seriously, if it had occurred, since Oswald had behaved in an argumentative and obnoxious fashion during his visit to the consulate. (*156*) Cuban officials would have been justified, the committee reasoned, to have considered the threat an idle boast, deserving no serious attention.

The accuracy of Clark's account was also undermined by the committee's investigation of his background. Clark had been the author of articles with such sensational titles as "British Girls as Nazi Sex Slaves," "I Was Hitler's Secret Love" and "German Plans to Kidnap the Royal Family." The committee was unable to question Clark himself, as he had since died. (*157*)

Despite the committee's doubts about the Clark interview with Castro, it was informed that the substance of it had been independently reported to the U.S. Government. A highly confidential but reliable source reported that Oswald had indeed vowed in the presence of Cuban consulate officials to assassinate the President. (*158*)

This information prompted the committee to pursue the report further in file reviews and interviews. The files that were reviewed included records of conversations of relevant people at appropriate times and places. Only one of them provided any possible corroboration. It was the record of a reported conversation by an employee of the Cuban Embassy named Luisa Calderon. (*159*) The absence of other corroboration must be considered significant.

A blind memorandum [12] provided by the CIA to the committee contained Calderon's pertinent remarks:

> 1. A reliable source reported that on November 22, 1963, several hours after the assassination of President John F. Kennedy, Luisa Calderon Carralero, a Cuban employee of the Cuban Embassy in Mexico City, and believed to be a member of the Cuban Directorate General of Intelligence (DGI), discussed news of the assassination with an acquaintance. Initially, when asked if she had heard the latest news, Calderon replied, in what appeared to be a joking manner, "Yes, of course, I knew almost before Kennedy."
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> 2. After further discussion of the news accounts about the assassination, the acquaintance asked Calderon what else she had learned. Calderon replied that they [assumed to refer to personnel of the Cuban Embassy] learned about it a little while ago. (*160*)

[12] There is no indication on a blind memorandum of either origin or destination.

Luisa Calderon's statements on the day of the assassination could be construed as either an indication of foreknowledge or mere braggadocio. The preponderance of the evidence led the committee to find that it was braggadocio. While the committee attempted to interview Calderon in Cuba, it was unable to, since she was ill.(*161*) Nevertheless, it forwarded interrogatories to her, which she responded to denying foreknowledge of the assassination.(*162*) The committee also interviewed other employees of the Cuban consulate in Mexico City in 1963, all of whom denied the allegation.(*163*) While it may be argued that they had a reason to do so because of Castro's view that the Cuban Government would have had a moral obligation to report the threat had it occurred, these officials, in the committee's judgment, indicated by their demeanor that they were testifying truthfully.

The committee also made a judgment about the risk that would have been incurred by Cubans had they testified falsely on this issue or by those who might have orchestrated their false testimony. Based on newspaper reporting alone, the Cuban Government might reasonably have believed that the committee had access to extensive information about conversations in the Cuban consulate in Mexico City and that such information might have provided convincing evidence of a cover-up. To have been caught in a lie in public testimony in the United States [13] would have been a major embarrassment for the Cuban Government, one that might have implied more than moral responsibility for failing to report a threat against President Kennedy in advance of the assassination.

On balance, the committee did not believe that Oswald voiced a threat to Cuban officials. However reliable the confidential source may be, the committee found it to be in error in this instance.

The committee investigated other aspects of Oswald's trip to Mexico City in September 1963 to see if it could develop information that bore on the question of a Cuban conspiracy. It considered the claim by the Cuban consul in Mexico City in 1963, Eusebio Azcue, that a man posing as Oswald applied for a Cuban visa.[14] It also investigated two plausible, though unsubstantiated, allegations of activities that had not previously been publicly revealed:

> That of a Mexican author, Elena Garro de Paz, who claimed that Oswald and two companions had attended a "twist" party at the home of Ruben Duran, brother-in-law of Silvia Duran, the secretary of Cuban consul Azcue who dealt with Oswald when he applied at the consulate for a Cuban visa.(*164*)
>
> That of a Mexican named Oscar Contreras who, in 1967, claimed he had met Oswald on the campus of the National Autonomous University of Mexico.(*165*)

The committee conducted extensive interviews with respect to these allegations.(*166*)

The significance of the Elena Garro allegation, aside from its pointing to Oswald associations in Mexico City that the Warren Commis-

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[13] In addition to a tape-recorded interview with President Castro in Havana, the committee heard testimony in public hearing from two former Cuban consuls in Mexico City, Eusebio Azcue and Alfredo Mirabal, and it tape-recorded an interview with Silvia Duran, a secretary at the Cuban Consulate in Mexico City in 1963 who had had one or more encounters with Oswald.

[14] Details of the issue of an alleged Oswald imposter are presented in section I D 4.

sion did not investigate, lay in her description of one of the companions as gaunt and blond-haired. (*167*) These are characteristics that both Azcue and Silvia Duran attributed to the visitor to the Cuban consulate who identified himself as Lee Harvey Oswald. (*168*) Even though "gaunt and blond-haired" did not describe Oswald, Duran said that the American visitor was the man later arrested in the assassination of the President. (*169*) Azcue, on the other hand, insisted that the visitor was not the individual whose published photograph was that of Oswald. (*170*)

The committee was unable to obtain corroboration for the Elena Garro allegation, although Silvia Duran did confirm that there was a "twist" party at her brother-in-law's home in the fall of 1963 and that Elena Gerro was there. (*171*) She denied, however, that Oswald was there, insisting that she never saw Oswald outside of the Cuban consulate. (*172*) The committee was unable to check the story with official U.S. investigative agencies because they failed to pursue it, even though they were aware of it in 1964.[15]

The committee's investigation was sufficient, however, to develop a conclusion that the Elena Garro allegation had warranted investigation when it was first received by the CIA in October 1964. Even in the late 1960's, at a time when Garro and others were available for questioning, there was still the potential for sufficient corroboration [16] to make the allegation worth pursuing. Further, while the allegation did not specifically show a Cuban conspiracy, it did indicate significant Oswald associations that were not known to the Warren Commission.

The other Oswald association in Mexico City that might have proven significant, had it been pursued, was the one alleged by Oscar Contreras, a student at the National Autonomous University of Mexico. The committee made an effort to investigate this allegation. Silvia Duran, for example, admitted to the committee that she had advised Oswald he might obtain a Cuban visa if he could get a letter of recommendation from a Mexican in good standing with the Cuban revolutionary hierarchy. (*175*) The committee also learned that the chairman of the philosophy department at the National Autonomous University, Ricardo Guerra, held seminars from time to time at the Duran home on Kant, Hegel, and Marx. (*176*) The committee speculated that these circumstances might explain why Oswald contacted Contreras, who reported to Mexican authorities that Oswald approached him in Sep-

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[15] The committee's investigation in Mexico City was further inhibited by the refusal of the CIA to make available its sources on the Elena Garro allegation, and, as a committee of the U.S. Congress in a foreign country, it was bound by a decision of the Mexican Government to permit its citizens to decide individually if they wished to meet with committee representatives (*173*)

The CIA, moreover, had failed to pursue the Elena Garro allegation adequately in 1964. A review of the CIA file indicated that the allegation was treated skeptically because Agency officials apparently considered Elena Garro to be other than totally rational. Inquiries of sources were ordered, but the files do not indicate that any responses were actively solicited or, in fact, received. The Agency files on this aspect of the case are devoid of any substance that would suggest an active CIA investigation.

The committee did ultimately locate Elena Garro in Europe, but attempts by telephone to persuade her to come to the United States to testify did not succeed. (*174*)

[16] Elena Garro maintained that after the assassination she wanted to report her story to authorities but that she was warned of possible danger by a man named Manuel Calvillo. Elena Garro alleged that Calvillo placed her in the Hotel Vermont in Mexico City where she remained for several days. In 1967, the CIA did in fact receive confirmation of Elena Garro's stay at the Hotel Vermont immediately after the assassination.

tember 1963 following a roundtable discussion at the school of philosophy.[17]

The committee's attempts to contact Contreras were frustrated. On two occasions, the Mexican Government said he would be available for an interview, but neither materialized. The committee also was unable to contract Guerra, who in 1978 was Mexico's Ambassador to East Germany. (*177*) The significance of the Contreras allegation, therefore, remains largely indeterminate.

The committee also pondered what deductions might be drawn from Azcue's conviction that the man who applied for a Cuban visa was not Oswald. One possibility considered, although ultimately rejected by the committee, was that there was a sinister association between Oswald and the Castro regime that Azcue was attempting to conceal.

The committee weighed the evidence on both sides of the Oswald-at-the-Cuban-consulate issue:

> That it was Oswald was indicated by the testimony of Silvia Duran and Alfredo Mirabal, who was in the process of succeeding Azcue as Cuban consul when the visit occurred in late September 1963. They both identified Oswald from post-assassination photographs as the man who applied for a Cuban visa.
>
> That it was not Oswald was a possibility raised by the committee's inability to secure a photograph of him entering or leaving the Soviet Embassy or the Cuban consulate. The committee obtained evidence from the Cuban Government that such photographs were being taken routinely in 1963. Further, the committee found that Oswald paid at least five visits to the Soviet Embassy or the Cuban consulate.[18] (*178*)

The committee also sought to understand the significance of a Secret Service investigation of threats against President Kennedy by pro-Castro Cubans. In April 1961, for example, when the President and Mrs. Kennedy were scheduled to address a special meeting of the Council of the Organization of American States, the State Department reported that Cuba would be represented by one Quentin Pino Machado. Machado, a Cuban diplomat, described as a character of ill repute, armed and dangerous, ultimately did not attend the meeting. (*179*)

On November 27, 1963, a Miami Secret Service informant told Special Agent Ernest Aragon that if the assassination involved an international plot in which Castro had participated, then Castro's agent in the plot would have been Machado, a well-known terrorist. There were

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[17] The Contreras story, as in the case of the Elena Garro allegation, was not adequately pursued when it first came to the attention of the CIA in 1967. At that time, the Agency was informed by the U.S. Consul in Tampico, Mexico, that Contreras had passed the information to him. An Agency employee later discussed the matter in more detail with the Consul and then met with Contreras himself. The CIA confirmed that Contreras had been a student in 1963 and was politically a strong supporter of Fidel Castro. The Contreras story was considered, according to Agency files, to be the first significant development in the investigation of the Kennedy assassination after 1965. Nevertheless, no attempt was made to determine who Contreras' associates were or how Oswald might have contacted him. Instead, the case was simply reported to the FBI. According to FBI files, no followup investigation was conducted.

[18] The committee believed that photographs of Oswald might have been taken and subsequently lost or destroyed. The committee did obtain a photograph of a man whose description seemed to match that given by Azcue and Duran of the "gaunt and blond-haired" visitor to the Cuban consulate. They each stated, however, that he was not the man they had described as the one who, in the name of Lee Harvey Oswald, had applied for a visa to Cuba.

rumors in the Miami Cuban community at the time that Machado had been assigned to escort Oswald from Texas to Cuba after the assassination. The plan went awry, the report continued, because Oswald had not been wearing clothing of a prearranged color and because of the shooting of Dallas Patrolman J. D. Tippit. (*180*)

The reports on Machado, along with other suspicions of Castro complicity in the assassination, were forwarded only in brief summary form by the Secret Service to the Warren Commission. The committee could find no record of follow-up action. (*181*) The committee's investigation of actions by the Secret Service subsequent to the assassination, however, revealed the most extensive work of the Agency to have been in response to reports of pro-Castro Cuban involvement. (*182*)

(*g*) *The committee's trip to Cuba*

The committee took its investigation to Cuba in the spring and summer of 1978. It sought information on numerous allegations, such as those mentioned above, and it put to President Castro the question of Cuban involvement in the assassination. The committee found the Cuban Government to be cooperative, both in supplying written reports and documents in response to questions and by making a number of its citizens available for interviews. (*183*) While the committee was unable to interview Luisa Calderon personally, the Cuban Government did permit its former consuls in Mexico City, Eusebio Azcue and Alfredo Mirabal, to come to Washington to testify in a public hearing of the committee. (*184*)

In response to the question of Cuban complicity in the assassination, Castro replied:

> That [the Cuban Government might have been involved in the President's death] was insane. From the ideological point of view it was insane. And from the political point of view, it was a tremendous insanity. I am going to tell you here that nobody, nobody ever had the idea of such things. What would it do? We just tried to defend our folks here, within our territory. Anyone who subscribed to that idea would have been judged insane * * * absolutely sick. Never, in 20 years of revolution, I never heard anyone suggest nor even speculate about a measure of that sort, because who could think of the idea of organizing the death of the President of the United States. That would have been the most perfect pretext for the United States to invade our country which is what I have tried to prevent for all these years, in every possible sense. Since the United States is much more powerful than we are, what could we gain from a war with the United States? The United States would lose nothing. The destruction would have been here. (*185*)

Castro added:

> I want to tell you that the death of the leader does not change the system. It has never done that. (*186*)

In the interview, Castro also commented on his speech of September 7, 1963, which on its face might have been viewed as an indication

that Castro may have been prompted to retaliate for a CIA-inspired attempt on his life:

> So, I said something like those plots start to set a very bad precedent, a very serious one—that could become a boomerang against the authors of those actions * * * but I did not mean to threaten by that. I did not mean even that * * * not in the least * * * but rather, like a warning that we knew; that we had news about it; and that to set those precedents of plotting the assassination of leaders of other countries would be a very bad precedent * * * something very negative. And, if at present, the same would happen under the same circumstances, I would have no doubt in saying the same as I said [then] because I didn't mean a threat by that. I didn't say it as a threat. I did not mean by that that we were going to take measures—similar measures— like a retaliation for that. We never meant that because we knew that there were plots. For 3 years, we had known there were plots against us. So the conversation came about very casually, you know; but I would say that all these plots or attempts were part of the everyday life. (*187*)

Finally, President Castro noted that although relations between the United States and Cuba were strained during the Kennedy administration, by 1963 there were definite hopes for reconciliation. (*188*) The committee confirmed from the historic record that, in 1963, the Cuban Government made several overtures. While, for the most part, Kennedy did not respond favorably, he did, in November, direct that the possibility of holding talks be explored by United Nations Delegate William Atwood with Cuban United Nations Ambassador Carlos Lechuga. (*189*) There was also reason to believe that French journalist Jean Daniel was asked by Kennedy to relay a peace message to Castro. (*190*) At least, that was how Castro interpreted it when he met with Daniel on November 20, 1963. (*191*)

In his interview with the committee, Castro referred to these two developments toward rapprochement, as he viewed them, suggesting that he would not have had a motive to eliminate President Kennedy. Instead, it would have been to his advantage, Castro insisted, to have pursued the prospect for better relations that had been portended. (*192*)

(*h*) *Deficiencies of the 1963–64 investigation*

In attempting to resolve the question of possible Cuban conspiracy, the committee concluded that a definitive answer had to come, if at all, largely from the investigation conducted in 1963–64 by the Warren Commission and the FBI and CIA. What the committee was able to do 15 years later could fill in important details, but it could not make up for basic insufficiencies. Unfortunately, the committee found that there were in fact significant deficiencies in the earlier investigation. The Warren Commission knew far less than it professed to know about Oswald's trip to Mexico and his possible association with pro-Castro agents in Mexico and elsewhere. This was true, in part, because the Commission had demanded less of the FBI and CIA than called for in its mandate. (*193*)

For its part, the FBI mechanically ran out thousands of leads, but it failed to make effective use of its Cuban Section of the Domestic Intelligence Division or to develop and systematically pursue investigative hypotheses of possible Cuban complicity. It must be said that the FBI generally exhausted its resources in confirming the case against Lee Harvey Oswald as the lone assassin, a case that Director J. Edgar Hoover, at least, seemed determined to make within 24 hours of the assassination. (*194*)

With respect to the CIA, the committee determined that it could have been better equipped to investigate the question of Cuban complicity.[19] The CIA had, at the time, only limited access to Cuban intelligence defectors, and most of its information sources inside Cuba were better equipped to report on economic developments and troop movements than on political decisions, especially sensitive ones, such as those involving political assassination. (*198*)

As the CIA admitted in its 1977 Task Force Report, it could have taken "broader initiatives" in pursuing the investigation. The committee found that such initiatives could have included more comprehensive instructions on debriefing Cuban sources and more explicit tasking of stations for specific investigative efforts.

With respect to the CIA's investigation of possible Cuban complicity, however, the committee found that the Agency's shortcomings were not attributable to any improper motive. The committee found that the CIA did generally gather and analyze the information that came to its attention regarding possible Cuban involvement, at least until the Warren Commission made its report in 1964. Indeed, the committee noted that the Agency acted not only out of dedication, but out of a specific motivation related to Cuba. The officers, agents and employees in the Cuba-related divisions had devoted their careers to the overthrow of Castro, and evidence of his participation in the assassination, if it had existed and could have been brought to light, would have vindicated their long-frustrated efforts, if not, in fact, led directly to a U.S. invasion of Cuba and destruction of the Castro regime.

That being said, the committee did not ignore the possibility that certain CIA officials who were aware that close scrutiny of U.S.-Cuban relations in the early 1960's could have inadvertently exposed the CIA-Mafia plots against Castro, might have attempted to prevent the CIA's assassination investigation or that of the Warren Commission from delving deeply into the question of Cuban complicity. The committee determined, however, that only CIA Deputy Director Richard Helms would have been in a position to have had both the requisite knowledge and the power to accomplish such a coverup, and it was satisfied, on the basis of its investigation, that it was highly unlikely he in fact did so. (*199*)

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[19] With respect to the incident at the home of Sylvia Odio in Dallas (see sec. C 3), the CIA had developed since 1963 the ability to identify from physical descriptions possible intelligence agents who may have been involved. In fact, at the committee's request, the CIA attempted to identify Odio's visitors, and it determined that they may have been members of Cuban intelligence. (*195*) The committee showed photographs supplied by the CIA to Odio who stated they did not appear to be the visitors in question. (*196*) The committee came to the conclusion that had she been shown photographs in 1963, when the event was clearer in her mind, she might have been able to make an identification. It is also regrettable that the CIA did not make use of a defector from Cuba who had worked in intelligence and who might have been able to identify the Odio visitors. (*197*)

While noting the deficiencies in the CIA assassination investigation, the committee was impressed with certain overseas capabilities of the CIA in 1963. The Agency had, for example, comprehensive coverage of anti-Castro Cuban groups that, in turn, had extensive information sources in and out of Cuba.(*200*) Thus, while it was flawed in certain specific respects, the committee concluded that the CIA assassination investigation could, in fact, be relied on—with only limited reservations—as a general indicator of possible Cuban involvement. That investigation found no evidence of Cuban complicity.

(*i*) *Summary of the findings*

While the committee did not take Castro's denials at face value, it found persuasive reasons to conclude that the Cuban Government was not involved in the Kennedy assassination. First, by 1963 there were prospects for repairing the hostility that had marked relations between the two countries since Castro had come to power. Second, the risk of retaliation that Cuba would have incurred by conspiring in the assassination of an American President must have canceled out other considerations that might have argued for that act. President Castro's description of the idea as "insane" is appropriate. And there was no evidence indicating an insane or grossly reckless lack of judgment on the part of the Cuban Government. Third, the CIA had both the motive to develop evidence of Cuban involvement and access to at least substantial, if incomplete, information bearing on relevant aspects of it, had such involvement existed. Its absence, therefore, must be weighed in the balance. Finally, the Cuban Government's cooperation with this committee in the investigation must be a factor in any judgment. In conclusion, the committee found, on the basis of the evidence available to it, that the Cuban Government was not involved in the assassination of President Kennedy.

3. THE COMMITTEE BELIEVES, ON THE BASIS OF THE EVIDENCE AVAILABLE TO IT, THAT ANTI-CASTRO CUBAN GROUPS, AS GROUPS, WERE NOT INVOLVED IN THE ASSASSINATION OF PRESIDENT KENNEDY, BUT THAT THE AVAILABLE EVIDENCE DOES NOT PRECLUDE THE POSSIBILITY THAT INDIVIDUAL MEMBERS MAY HAVE BEEN INVOLVED

The committee investigated possible involvement in the assassination by a number of anti-Castro Cuban groups and individual activists for two primary reasons:

> First, they had the motive, based on what they considered President Kennedy's betrayal of their cause, the liberation of Cuba from the Castro regime; the means, since they were trained and practiced in violent acts, the result of the guerrilla warfare they were waging against Castro; and the opportunity, whenever the President, as he did from time to time, appeared at public gatherings, as in Dallas on November 22, 1963.
>
> Second, the committee's investigation revealed that certain associations of Lee Harvey Oswald were or may have been with anti-Castro activists.

The committee, therefore, paid close attention to the activities of anti-Castro Cubans—in Miami, where most of them were concentrated and their organizations were headquartered,(*1*) and in New Orleans

and Dallas, where Oswald, while living in these cities in the months preceding the assassination, reportedly was in contact with anti-Castro activists.(*2*)

The Warren Commission did not, of course, ignore Oswald's ties to anti-Castroites. From the evidence that was available in 1964, two Warren Commission staff attorneys, W. David Slawson and William Coleman, went so far as to speculate that Oswald, despite his public posture as a Castro sympathizer, might actually have been an agent of anti-Castro exiles.(*3*) Indeed, pressing for further investigation of the possibility, they wrote a memorandum which read in part:

> The evidence here could lead to an anti-Castro involvement in the assassination on some sort of basis as this: Oswald could have become known to the Cubans as being strongly pro-Castro. He made no secret of his sympathies, so the anti-Castro Cubans must have realized that law enforcement authorities were also aware of Oswald's feelings and that, therefore, if he got into trouble, the public would also learn of them * * * Second, someone in the anti-Castro organization might have been keen enough to sense that Oswald had a penchant for violence * * * On these facts, it is possible that some sort of deception was used to encourage Oswald to kill the President when he came to Dallas * * * The motive of this would, of course, be the expectation that after the President was killed, Oswald would be caught or at least his identity ascertained, the law enforcement authorities and the public would blame the assassination on the Castro government and a call for its forceful overthrow would be irresistible * * *.(*4*)

While it is seemingly in contradiction of Oswald's personal character and known public posture, the committee seriously considered, therefore, the possibility of an anti-Castro conspiracy in the assassination (perhaps with Oswald unaware of its true nature). It is appropriate to begin that consideration with an examination of the history of United States-Cuban relations from the perspective of the anti-Castro movement, beginning with the victorious end of the revolution on January 1, 1959.(*5*)

(*a*) *The anti-Castro Cuban perspective*

The anti-Castro movement began not long after Fidel Castro assumed control of Cuba.(*6*) At first, the Cuban people cheered the revolution and its leader for the defeat of the dictatorial Batista regime, but it was not long before many former supporters found reason to condemn the new premier's policies and politics.(*7*) Many Cubans were deeply disillusioned when it became apparent that the Castro government was renouncing the country's long affiliation with the United States and moving closer to the Soviet Union.(*8*) As Castro's preference for Marxism became evident, underground opposition movements were born.(*9*) They survived for a time within Cuba, but as the effectiveness of Castro's militia system was recognized, they retreated to the exile communities of Miami and other cities in the United States.(*10*)

The U.S. Government was responsive to the efforts of exiles to remove a Communist threat from the Caribbean, only 90 miles from the

Florida coast, and to recapture business investments lost to the nationalization of industry in Cuba. (*11*) An official, yet covert, program to train and equip exiles determined to overthrow Castro was sanctioned by President Eisenhower and his successor, President Kennedy, and carried out by the American intelligence agencies, particularly the Central Intelligence Agency.(*12*) The Cuban exiles, dependent on the United States for arms and logistical support, had little choice but to put their trust in Washington.(*13*)

Their trust collapsed, however, at the Bay of Pigs on April 17, 1961, when an exile invasion of Cuba was annihilated by Castro's troops.(*14*) The failure of American airpower to support the landing shattered the confidence of the anti-Castro Cubans in the U.S. Government.(*15*) They blamed President Kennedy, and he publicly accepted responsibility for the defeat.(*16*)

President Kennedy's readiness to take the blame for the Bay of Pigs served to intensify the anger of the exiles.(*17*) In executive session before the committee, Manuel Antonio Varona, who in 1961 was the head of the united exile organization, the Revolutionary Democratic Front, told of a tense and emotional encounter with the President at the White House, as hope for the invasion was fading.(*18*) "We were not charging Mr. Kennedy with anything," Varona testified.(*19*) "We knew he was not in charge of the military efforts directly. Nevertheless, President Kennedy told us he was the one—the only one responsible." (*20*)

A noted Cuban attorney, Mario Lazo, summed up Cuban feeling toward President Kennedy in his book, "Dagger in the Heart":

> The Bay of Pigs was wholly self-inflicted in Washington. Kennedy told the truth when he publicly accepted responsibility * * * The heroism of the beleaguered Cuban Brigade had been rewarded by betrayal, defeat, death for many of them, long and cruel imprisonment for the rest. The Cuban people * * * had always admired the United States as strong, rich, generous—but where was its sense of honor and the capacity of its leaders? (*21*)

President Kennedy was well aware of the bitter legacy of the Bay of Pigs debacle. Far from abandoning the Cuban exiles, he set out to convince them of his loyalty to their cause. One of the most emotionally charged events of his relationship with the Cuban exiles occurred on December 29, 1962, at the Orange Bowl in Miami.(*22*) He had come to welcome the survivors of the invasion force, Brigade 2506, the 1,200 men who had been ransomed from Cuba after almost 20 months in prison.(*23*) The President was presented with the brigade flag in a dramatic and tumultuous scene.(*24*)

The euphoria was false and misleading. Although the Cuban exiles cheered President Kennedy that day, there also coursed through the crowd a bitter resentment among some who felt they were witnessing a display of political hypocrisy. Later, it would be claimed that the brigade feeling against President Kennedy was so strong that the presentation nearly did not take place, and it would be alleged (incorrectly, as it turned out) that the brigade flag given to Kennedy was actually a replica.(*25*)

It is not possible to know fully how the Bay of Pigs defeat changed President Kennedy's attitude toward Cuba, but when journalists Taylor Branch and George Crile wrote in Harper's Magazine about a massive infusion of U.S. aid to clandestine anti-Castro operations in the wake of the Bay of Pigs, they titled their article, "The Kennedy Vendetta."(*26*) What is known is that the period between the Bay of Pigs and the Cuban missile crisis in October 1962 can be characterized as the high point of anti-Castro activity.(*27*) Miami, the center of the exile community, became a busy staging ground for armed infiltrations Cuba.(*28*) While not every raid was supported or even known about in advance by Government agencies, the United States played a key role in monitoring, directing and supporting the anti-Castro Cubans.(*29*) Although this effort was cloaked in secrecy, most Cubans in the exile community knew what was happening and who was supporting the operations.(*30*)

(1) *The missile crisis and its aftermath.*—At the time of the missile crisis in October 1962, the Cuban exiles were initially elated at the prospect of U.S. military action that might topple the Castro regime.(*31*) In the end, it seemed to the world that President Kennedy had the best of the confrontation with Castro and Soviet leader Nikita Khrushchev by demanding, and getting, the withdrawal of offensive missiles and bombers from Cuba. From the exiles' perspective, however, they had been compromised, since as part of the bargain, President Kennedy made a pledge not to invade Cuba.[20] (*32*)

Anti-Castro forces in the United States were all the more embittered in the spring of 1963 when the Federal Government closed down many of their training camps and guerrilla bases.(*34*) In cases where government raids intercepted the illegal arms transfers, weapons were confiscated and arrests were made.(*35*) Some anti-Castro operations did continue, however, right up to the time of the assassination, though the committee found that U.S. backing had by that time been reduced.(*36*)

(2) *Attitude of anti-Castro Cubans toward Kennedy.*—President Kennedy's popularity among the Cuban exiles had plunged deeply by 1963. Their bitterness is illustrated in a tape recording of a meeting of anti-Castro Cubans and right-wing Americans in the Dallas suburb of Farmer's Branch on October 1, 1963.(*37*) In it, a Cuban identified as Nestor Castellanos vehemently criticized the United States and blamed President Kennedy for the U.S. Government's policy of "noninterference" with respect to the Cuban issue.(*38*) Holding a copy of the September 26 edition of the Dallas Morning News, featuring a front-page account of the President's planned trip to Texas in November, Castellanos vented his hostility without restraint:

> CASTELLANOS. * * * we're waiting for Kennedy the 22d, buddy. We're going to see him in one way or the other. We're going to give him the works when he gets in Dallas. Mr. good ol' Kennedy. I wouldn't even call him President Kennedy. He stinks.

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[20] The United States never actually signed the pledge, since it was conditioned on United Nations inspection of the weapons withdrawal that Castro would not honor. The fine point of signing the pledge was of little importance to the Cuban exiles, however, who could point out later that no invasion did, in fact, occur.(*33*)

QUESTIONER. Are you insinuating that since this downfall came through the leader there [Castro in Cuba], that this might come to us * * *?

CASTELLANOS. Yes ma'am, your present leader. He's the one who is doing everything right now to help the United States to become Communist.[21] (*39*)

(*b*) *The committee investigation*

The committee initiated its investigation by identifying the most violent and frustrated anti-Castro groups and their leaders from among the more than 100 Cuban exile organizations in existence in November 1963.(*40*) These groups included Alpha 66, the Cuban Revolutionary Junta (JURE), Commandos L, the Directorio Revolucionario Estudiantil (DRE), the Cuban Revolutionary Council (CRC) which included the Frente Revolucionario Democratico (FRD), the Junta del Gobierno de Cuba en el Exilio (JGCE), the 30th of November, the International Penetration Forces (InterPen), the Revolutionary Recovery Movement (MRR), and the Ejercito Invasor Cubano (EIC).(*41*) Their selection evolved both from the committee's independent field investigation and the examination of the files and records maintained by the Federal and local agencies then monitoring Cuban exile activity. These agencies included local police departments, the FBI, the CIA, the Bureau of Narcotics and Dangerous Drugs (now the Drug Enforcement Administration, or DEA), the Customs Service, the Immigration and Naturalization Service and the Department of Defense.(*42*)

The groups that received the committee's attention were "action groups"—those most involved in military actions and propaganda campaigns. Unlike most others, they did not merely talk about anti-Castro operations, they actually carried out infiltrations into Cuba, planned, and sometimes attempted, Castro's assassination, and shipped arms into Cuba. These were also the groups whose leaders felt most betrayed by U.S. policy toward Cuba and by the President; they were also those whose operations were frustrated by American law enforcement efforts after the missile crisis.

(1) *Homer S. Echevarria.*—For the most part the committee found that the anti-Castro Cuban leaders were more vociferous than potentially violent in their tirades against the President. Nevertheless, it was unable to conclude with certainty that all of the threats were benign. For example, one that the committee found particularly disturbing—especially so, since it was not thoroughly looked into in the 1963–64 investigation—came to the attention of the Secret Service within days of the President's death, prompting the Acting Special Agent-in-Charge of the Chicago field office to write an urgent memorandum indicating he had received reliable information of "a group in the Chicago area who [sic] may have a connection with the J. F. K. assassination."(*43*) The memorandum was based on a tip from an informant who reported a conversation on November 21, 1963, with a Cuban activist named Homer S. Echevarria.(*44*) They were discussing an illegal arms sale, and Echevarria was quoted as saying his group now

[21] The committee uncovered no evidence that linked Castellanos to the assassination. His speech is quoted to illustrate the depth of feeling that existed in the Cuban exile community in 1963.

had "plenty of money" and that his backers would proceed "as soon as we take care of Kennedy."(*45*)

Following the initial memorandum, the Secret Service instructed its informant to continue his association with Echevarria and notified the Chicago FBI field office.(*46*) It learned that Echevarria might have been a member of the 30th of November anti-Castro organization, that he was associated with Juan Francisco Blanco-Fernandez, military director of the DRE, and that the arms deal was being financed through one Paulino Sierra Martinez by hoodlum elements in Chicago and elsewhere.(*47*)

Although the Secret Service recommended further investigation, the FBI initially took the position that the Echevarria case "was primarily a protection matter and that the continued investigation would be left to the U.S. Secret Service,"(*48*) and that the Cuban group in question was probably not involved in illegal activities.(*49*) The Secret Service initially was reluctant to accept this position, since it had developed evidence that illegal acts were, in fact, involved.(*50*) Then, on November 29, 1963, President Johnson created the Warren Commission and gave the FBI primary investigative responsibility in the assassination.(*51*) Based on its initial understanding that the President's order meant primary, not exclusive, investigative responsibility, the Secret Service continued its efforts;(*52*) but when the FBI made clear that it wanted the Secret Service to terminate its investigation,(*53*) it did so, turning over its files to the FBI.(*54*) The FBI, in turn, did not pursue the Echevarria case.(*55*)

While it was unable to substantiate the content of the informant's alleged conversations with Echevarria or any connection to the events in Dallas, the committee did establish that the original judgment of the Secret Service was correct, that the Echevarria case did warrant a thorough investigation. It found, for example, that the 30th of November group was backed financially by the Junta del Gobierno de Cuba en el Exilio (JGCE), a Chicago-based organization run by Paulino Sierra Martinez.(*56*) JGCE was a coalition of many of the more active anti-Castro groups that had been founded in April 1963; it was dissolved soon after the assassination.[22](*57*) Its purpose was to back the activities of the more militant groups, including Alpha 66 and the Student Directorate, or DRE, both of which had reportedly been in contact with Lee Harvey Oswald.(*58*) Much of JGCE's financial support, moreover, allegedly came from individuals connected to organized crime.(*59*)

As it surveyed the various anti-Castro organizations, the committee focused its interest on reported contacts with Oswald. Unless an association with the President's assassin could be established, it is doubtful that it could be shown that the anti-Castro groups were involved in the assassination. The Warren Commission, discounting the recommendations of Slawson and Coleman, had either regarded these contacts as insignificant or as probably not having been made or else was not aware of them.(*60*) The committee could not so easily dismiss them.

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[22] The committee established—though it could make no judgment about there having been a connection—that many of the anti-Castro Cuban groups ceased their operations at about the time of President Kennedy's assassination. The Echevarria allegation is also discussed in section I D(1)(b) *infra*.

(2) *Antonio Veciana Blanch.*—The committee devoted a significant portion of its anti-Castro Cuban investigation to an alleged contact with Oswald that had been reported by Antonio Veciana Blanch, the founder of Alpha 66 which, throughout 1962 and most of 1963, was one of the most militant of the exile groups.(*61*) Its repeated hit-and-run attacks had drawn public criticism from President Kennedy in the spring of 1963, to which Veciana replied, "We are going to attack again and again."

Veciana claimed to have had the active support of the CIA, and in 1976 he reported to a Senate investigator that from 1960 to 1973 his adviser, whom he believed to be a representative of the CIA, was known to him as Maurice Bishop.(*62*) Veciana stated that over their 13-year association, he and Bishop met on over 100 occasions and that Bishop actually planned many Alpha 66 operations.(*63*) He also said that he knew the man only as Maurice Bishop and that all of their contacts were initiated by Bishop.(*64*)

Veciana said that Bishop had guided him in planning assassination attempts of Castro in Havana in 1961 and in Chile in 1971; that Bishop had directed him to organize Alpha 66 in 1962; and that Bishop, on ending their relationship in 1973, had paid him $253,000 in cash for his services over the years.(*65*) Veciana also revealed that at one meeting with Bishop in Dallas in late August or early September 1963, a third party at their meeting was a man he later recognized as Lee Harvey Oswald.(*66*)

Veciana also indicated to the committee that subsequent to the assassination, he had been contacted by Bishop, who was aware that Veciana had a relative in Cuban intelligence in Mexico.(*67*) Bishop, according to Veciana, offered to pay Veciana's relative a large sum of money if he would say that it was he and his wife who had met with Oswald in Mexico City.(*68*) Veciana said he had agreed to contact his relative, but he had been unable to do so.(*69*)

The committee pursued the details of Veciana's story, particularly the alleged meeting with Oswald. It conducted numerous file reviews and interviews with associates and former associates of Veciana, to try to confirm the existence of a Maurice Bishop or otherwise assess Veciana's credibility. On a trip to Cuba, the committee interviewed Veciana's relative, the Cuban intelligence agent.

While the committee was unable to find corroboration for the contacts with Bishop, it did substantiate other statements by Veciana. For example, he did organize an attempted assassination of Castro in Havana in 1961,(*70*) and he probably did participate in another plot against Castro in Chile in 1971.(*71*) That Veciana was the principal organizer of the militant Alpha 66 organization was a matter of record.(*72*)

The committee went to great lengths in its unsuccessful effort to substantiate the existence of Bishop and his alleged relationship with Oswald. It reviewed CIA files, but they showed no record of such an agent or employee. It circulated a sketch via the national news media, but no one responded with an identification.(*73*) It pursued a lead originating with the Senate investigation that a former chief of the CIA's Western Hemisphere Division of the Directorate of Operations bore a resemblance to the Bishop sketch.(*74*) The committee arranged for

a chance meeting between Veciana and the CIA officer, who had since retired.(*75*) Veciana said he was not Bishop.(*76*) In an executive session of the committee, the retired officer testified under oath that he had never used the name Maurice Bishop, had never known anyone by that name and had never known Veciana.(*77*) Veciana, also before a committee executive session, testified the officer was not Bishop, although he bore a "physical similarity." [23](*78*)

A former Director of the CIA, John McCone, and an agent who had participated in covert Cuban operations, each told the committee they recalled that a Maurice Bishop had been associated with the Agency, though neither could supply additional details.(*80*) Subsequently, McCone was interviewed by CIA personnel, and he told them that his original testimony to the committee had been in error.(*81*) The agent did confirm, however, even after a CIA reinterview, that he had seen the man known to him as Maurice Bishop three or four times at CIA headquarters in the early 1960's.(*82*) He did not know his organizational responsibilities, and he had not known him personally.(*83*) The agent also testified that he had been acquainted with the retired officer who had been chief of the Western Hemisphere Division and that he was not Bishop.(*84*)

The committee also requested files on Bishop from the FBI and Department of Defense, with negative results.(*85*) It did discover, however, that Army intelligence had an operational interest in Veciana as a source of information on Alpha 66 activities, and that Veciana complied, hoping to be supplied in return with funds and weapons.(*86*) Veciana acknowledged his contacts with the Army, but he stated that the only relationship those contacts had to Bishop was that he kept Bishop informed of them.(*87*)

The CIA's files reflected that the Agency had been in contact with Veciana three times during the early 1960's, but the Agency maintained it offered him no encouragement.(*88*) (The committee could discover only one piece of arguably contradictory evidence—a record of $500 in operational expenses, given to Veciana by a person with whom the CIA had maintained a longstanding operational relationship.(*89*)) The CIA further insisted that it did not at any time assign a case officer to Veciana.[24](*90*)

The committee was left with the task of evaluating Veciana's story, both with respect to the existence of Maurice Bishop and the alleged meeting with Oswald, by assessing Veciana's credibility. It found several reasons to believe that Veciana had been less than candid:

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[23] The committee suspected that Veciana was lying when he denied that the retired CIA officer was Bishop. The committee recognized that Veciana had an interest in renewing his anti-Castro operations that might have led him to protect the officer from exposure as Bishop so they could work together again. For his part, the retired officer aroused the committee's suspicion when he told the committee he did not recognize Veciana as the founder of Alpha 66, especially since the officer had once been deeply involved in Agency anti-Castro operations. Further, a former CIA case officer who was assigned from September 1960 to November 1962 to the JM/WAVE station in Miami told the committee that the retired officer had in fact used the alias, Maurice Bishop. The committee also interviewed a former assistant of the retired officer but he could not recall his former superior ever having used the name or having been referred to as Bishop.(*79*)

[24] The committee found it probable that some agency of the United States assigned a case officer to Veciana, since he was the dominant figure in an extremely active anti-Castro organization. The committee established that the CIA assigned case officers to Cuban revolutionaries of less importance than Veciana, though it could not draw from that alone an inference of CIA deception of the committee concerning Veciana, since Bishop could well have been in the employ of one of the military intelligence agencies or even perhaps of some foreign power.

First, Veciana waited more than 10 years after the assassination to reveal his story.

Second, Veciana would not supply proof of the $253,000 payment from Bishop, claiming fear of the Internal Revenue Service.

Third, Veciana could not point to a single witness to his meetings with Bishop, much less with Oswald.

Fourth, Veciana did little to help the committee identify Bishop.

In the absence of corroboration or independent substantiation, the committee could not, therefore, credit Veciana's story of having met with Lee Harvey Oswald.

(3) *Silvia Odio.*—The incident of reported contact between Oswald and anti-Castro Cubans that has gained the most attention over the years involved Silvia Odio, a member of the Cuban Revolutionary Junta, or JURE.(*91*) Mrs. Odio had not volunteered her information to the FBI.(*92*) The FBI initially contacted Mrs. Odio after hearing of a conversation she had had with her neighbor in which she described an encounter with Lee Harvey Oswald.(*93*) Subsequently, in testimony before the Warren Commission, she said that in late September 1963, three men came to her home in Dallas to ask for help in preparing a fundraising letter for JURE.(*94*) She stated that two of the men appeared to be Cubans, although they also had characteristics that she associated with Mexicans.(*95*) The two individuals, she remembered, indicated that their "war" names were "Leopoldo" and "Angelo."(*96*) The third man, an American, was introduced to her as "Leon Oswald," and she was told that he was very much interested in the anti-Castro Cuban cause.(*97*)

Mrs. Odio stated that the men told her that they had just come from New Orleans and that they were then about to leave on a trip.(*98*) The next day, one of the Cubans called her on the telephone and told her that it had been his idea to introduce the American into the underground "* * * because he is great, he is kind of nuts."(*99*) The Cuban also said that the American had been in the Marine Corps and was an excellent shot, and that the American had said that Cubans "* * * don't have any guts * * * because President Kennedy should have been assassinated after the Bay of Pigs, and some Cubans should have done that, because he was the one that was holding the freedom of Cuba actually."(*100*) Mrs. Odio claimed the American was Lee Harvey Oswald.(*101*)

Mrs. Odio's sister, who was in the apartment at the time of the visit by the three men and who stated that she saw them briefly in the hallway when answering the door, also believed that the American was Lee Harvey Oswald.(*102*) Mrs. Odio fixed the date of the alleged visit as being September 26 or 27.(*103*) She was positive that the visit occurred prior to October 1.(*104*)

The Warren Commission was persuaded that Oswald could not have been in Dallas on the dates given by Mrs. Odio.(*105*) Nevertheless, it requested the FBI to conduct further investigation into her allegation, and it acknowledged that the FBI had not completed its Odio investigation at the time its report was published in September 1964.(*106*)

How the Warren Commission treated the Odio incident is instructive. In the summer of 1964, the FBI was pressed to dig more deeply into the Odio allegation.(*107*) On July 24, chief counsel J. Lee Rankin,

in a letter to FBI Director J. Edgar Hoover, noted, ". . . the Commission already possesses firm evidence that Lee Harvey Oswald was on a bus traveling from Houston, Tex., to Mexico City, Mexico, on virtually the entire day of September 26."(*108*) J. Wesley Liebeler, the Warren Commission assistant counsel who had taken Mrs. Odio's deposition, disagreed, however, that there was firm evidence of Oswald's bus trip to Mexico City.(*109*) In a memorandum to another Commission attorney, Howard Willens, on September 14, 1964, Liebeler objected to a section of the Warren Report in which it was stated there was strong evidence that Oswald was on a bus to Mexico on the date in question.(*110*) Liebeler argued, "There really is no evidence at all that [Oswald] left Houston on that bus."(*111*) Liebeler also argued that the conclusion that there was "persuasive" evidence that Oswald was not in Dallas on September 24, 1963, a day for which his travel was unaccounted, was "too strong."(*112*) Liebeler urged Willens to tone down the language of the report,(*113*) contending in his memorandum: "There are problems. Odio may well be right. The Commission will look bad if it turns out that she is."(*114*)

On August 23, 1964, Rankin again wrote to Hoover to say, "It is a matter of some importance to the Commission that Mrs. Odio's allegation either be proved or disproved."(*115*) Rankin asked that the FBI attempt to learn the identities of the three visitors by contacting members of anti-Castro groups active in the Dallas area, as well as leaders of the JURE organization.(*116*) He asked the FBI to check the possibility that Oswald had spent the night of September 24, in a hotel in New Orleans, after vacating his apartment.(*117*) Portions of this investigation, which were inconclusive in supporting the Warren Commission's contention that Mrs. Odio was mistaken, were not sent to Rankin until November 9,(*118*) at which time the final report already had been completed.(*119*)

The FBI did attempt to alleviate the "problems." In a report dated September 26, it reported the interview of Loran Eugene Hall who claimed he had been in Dallas in September 1963, accompanied by two men fitting the general description given by Silvia Odio, and that it was they who had visited her.(*120*) Oswald, Hall said, was not one of the men.(*121*) Within a week of Hall's statement, the other two men Hall said had accompanied him, Lawrence Howard and William Seymour, were interviewed.(*122*) They denied ever having met Silvia Odio.(*123*) Later, Hall himself retracted his statement about meeting with Mrs. Odio.(*124*)

Even though the Commission could not show conclusively that Oswald was not at the Odio apartment, and even though Loran Hall's story was an admitted fabrication, the Warren report published this explanation of the Odio incident:

> While the FBI had not yet completed its investigation into this matter at the time the report went to press, the Commission has concluded that Lee Harvey Oswald was not at Mrs. Odio's apartment in September 1963.(*125*)

Not satisfied with that conclusion, the committee conducted interviews with and took depositions from the principals—Silvia Odio,(*126*) members of her family,(*127*) and Dr. Burton Einspruch,

(*128*) her psychiatrist. (Mrs. Odio had contacted Dr. Einspruch for consultation about problems that could not be construed to affect her perception or credibility.) (*129*) The committee also set up a conference telephone call between Dr. Einspruch in Dallas and Silvia Odio in Miami, during which she related to him the visit of the three men. (*130*) Mrs. Odio and Dr. Einspruch concurred that she had told him of the nighttime meeting shortly after its occurrence, but prior to the President's assassination. (*131*)

Loran Hall testified before the committee in executive session on October 5, 1977; Howard and Seymour were interviewed. (*132*) The FBI agent who wrote up the Hall story also testified before the committee. (*133*) From a review of FBI files, the committee secured a list of persons who belonged to the Dallas Chapter of JURE, and the committee attempted to locate and interview these individuals. Additionally, staff investigators interviewed the leader of JURE, Manolo Ray, who was residing in Puerto Rico. (*134*)

Further, the committee secured photographs of scores of pro-Castro and anti-Castro activists who might have fit the descriptions of the two individuals who, Mrs. Odio said, had visited her with Oswald. (*135*) The committee also used the resources of the CIA which conducted a check on all individuals who used the "war" names of "Leopoldo" and "Angelo", and the name "Leon," or had similar names. (*136*) An extensive search produced the names and photographs of three men who might possibly have been in Dallas in September 1963. (*137*) These photographs were shown to Mrs. Odio, but she was unable to identify them as the men she had seen. (*138*)

The committee was inclined to believe Silvia Odio. From the evidence provided in the sworn testimony of the witnesses, it appeared that three men did visit her apartment in Dallas prior to the Kennedy assassination and identified themselves as members of an anti-Castro organization. Based on a judgment of the credibility of Silvia and Annie Odio, one of these men at least looked like Lee Harvey Oswald and was introduced to Mrs. Odio as Leon Oswald.

The committee did not agree with the Warren Commission's conclusion that Oswald could not have been in Dallas at the requisite time. Nevertheless, the committee itself could reach no definite conclusion on the specific date of the visit. It could have been as early as September 24, the morning of which Oswald was seen in New Orleans, (*139*) but it was more likely on the 25th, 26th or 27th of September. If it was on these dates, then Oswald had to have had access to private transportation to have traveled through Dallas and still reached Mexico City when he did, judging from other evidence developed by both the Warren Commission and the committee. (*140*)

(*c*) *Oswald and anti-Castro Cubans*

The committee recognized that an association by Oswald with anti-Castro Cubans would pose problems for its evaluation of the assassin and what might have motivated him. In reviewing Oswald's life, the committee found his actions and values to have been those of a self-proclaimed Marxist who would be bound to favor the Castro regime in Cuba, or at least not advocate its overthrow. For this reason, it did not seem likely to the committee that Oswald would have allied

himself with an anti-Castro group or individual activist for the sole purpose of furthering the anti-Castro cause. The committee recognized the possibility that Oswald might have established contacts with such groups or persons to implicate the anti-Castro movement in the assassination. Such an implication might have protected the Castro regime and other left-wing suspects, while resulting in an intensive investigation and possible neutralization of the opponents of Castro. It is also possible, despite his alleged remark about killing Kennedy, that Oswald had not yet contemplated the President's assassination at the time of the Odio incident, or if he did, that his assassination plan had no relation to his anti-Castro contacts, and that he was associating with anti-Castro activists for some other unrelated reason. A variety of speculations are possible, but the committee was forced to acknowledge frankly that, despite its efforts, it was unable to reach firm conclusions as to the meaning or significance of the Odio incident to the President's assassination.

(1) *Oswald in New Orleans.*—Another contact by Lee Harvey Oswald with anti-Castro Cuban activists that was not only documented, but also publicized at the time in the news media, occurred when he was living in New Orleans in the summer of 1963, an especially puzzling period in Oswald's life. His actions were blatantly pro-Castro, as he carried a one-man Fair Play for Cuba Committee crusade into the streets of a city whose Cuban population was predominantly anti-Castro. Yet Oswald's known and alleged associations even at this time included Cubans who were of an anti-Castro persuasion and their anti-Communist American supporters.

New Orleans was Oswald's home town; he was born there on October 18, 1939.(*141*) In April 1963, shortly after the Walker shooting, he moved back, having lived in Fort Worth and Dallas since his return from the Soviet Union the previous June.(*142*) He spent the first 2 weeks job hunting, staying with the Murrets, Lillian and Charles, or "Dutz," as he was called, the sister and brother-in-law of Oswald's mother, Marguerite.(*143*) After being hired by the Reily Coffee Co. as a maintenance man, he sent for his wife Marina and their baby daughter, who were still in Dallas, and they moved into an apartment on Magazine Street.(*144*)

In May, Oswald wrote to Vincent T. Lee, national director of the Fair Play for Cuba Committee, expressing a desire to open an FPCC chapter in New Orleans and requesting literature to distribute.(*145*) He also had handouts printed, some of which were stamped "L. H. Oswald, 4907 Magazine Street," others with the alias, "A. J. Hidell, P.O. Box 30016," still others listing the FPCC address as 544 Camp Street.(*146*)

In letters written earlier that summer and spring to the FPCC headquarters in New York, Oswald had indicated that he intended to rent an office.(*147*) In one letter he mentioned that he had acquired a space but had been told to vacate 3 days later because the building was to be remodeled. The Warren Commission failed to discover any record of Oswald's having rented an office at 544 Camp and concluded he had fabricated the story.(*149*)

In investigating Oswald after the assassination, the Secret Service learned that the New Orleans chapter of the Cuban Revolutionary

Council (CRC), an anti-Castro organization, had occupied an office at 544 Camp Street for about 6 months during 1961–62.(*150*) At that time, Sergio Arcacha Smith was the official CRC delegate for the New Orleans area.(*151*) Since the CRC had vacated the building 15 months before Oswald arrived in New Orleans, the Warren Commission concluded that there was no connection with Oswald.(*152*) Nevertheless, the riddle of 544 Camp Street persisted over the years.

Oswald lost his job at the Reily Coffee Co. in July, and his efforts to find another were futile.(*153*) Through the rest of the summer, he filed claims at the unemployment office.(*154*)

On August 5, Oswald initiated contact with Carlos Bringuier, a delegate of the Directorio Revolucionario Estudiantil (DRE).(*155*) According to his testimony before the Warren Commission, Bringuier was the only registered member of the group in New Orleans.(*156*) Bringuier also said he had two friends at the time, Celso Hernandez and Miguel Cruz, who were also active in the anti-Castro cause.(*157*) Oswald reportedly told Bringuier that he wished to join the DRE, offering money and assistance to train guerrillas.(*158*) Bringuier, fearful of an infiltration attempt by Castro sympathizers or the FBI, told Oswald to deal directly with DRE headquarters in Miami.(*159*) The next day, Oswald returned to Bringuier's store and left a copy of a Marine training manual with Rolando Pelaez, Bringuier's brother-in-law.(*160*)

On August 9, Bringuier learned that a man was carrying a pro-Castro sign and handing out literature on Canal Street. (*161*) Carrying his own anti-Castro sign, Bringuier, along with Hernandez and Cruz, set out to demonstrate against the pro-Castro sympathizer.(*162*) Bringuier recognized Oswald and began shouting that he was a traitor and a Communist.(*163*) A scuffle ensued, and police arrested all participants.(*164*) Oswald spent the night in jail.(*165*) On August 12, he pleaded guilty to disturbing the peace and was fined $10. (*166*) The anti-Castro Cubans were not charged.(*167*)

During the incident with Bringuier, Oswald also encountered Frank Bartes, the New Orleans delegate of the CRC from 1962–64.(*168*) After Bringuier and Oswald were arrested in the street scuffle, Bartes appeared in court with Bringuier.(*169*) According to Bartes, the news media surrounded Oswald for a statement after the hearing.(*170*) Bartes then engaged in an argument with the media and Oswald because the Cubans were not being given an opportunity to present their anti-Castro views.(*171*)

On August 16, Oswald was again seen distributing pro-Castro literature.(*172*) A friend of Bringuier, Carlos Quiroga, brought one of Oswald's leaflets to Bringuier and volunteered to visit Oswald and feign interest in the FPCC in order to determine Oswald's motives.(*173*) Quiroga met with Oswald for about an hour.(*174*) He learned that Oswald had a Russian wife and spoke Russian himself. Oswald gave Quiroga an application for membership in the FPCC chapter, but Quiroga noted he did not seem intent on actually enlisting members.(*175*)

Oswald's campaign received newspaper, television, and radio coverage.(*176*) William Stuckey, a reporter for radio station WDSU who had been following the FPCC, interviewed Oswald on August 17 and

proposed a television debate between Oswald and Bringuier, to be held on August 21. (*177*) Bringuier issued a press release immediately after the debate, urging the citizens of New Orleans to write their Congressmen demanding a congressional investigation of Lee Harvey Oswald. (*178*)

Oswald largely passed out of sight from August 21 until September 17, the day he applied for a tourist card to Mexico. (*179*) He is known to have written letters to left-wing political organizations, and he and Marina visited the Murrets on Labor Day. (*180*) Marina said her husband spent his free time reading books and practicing with his rifle. (*181*)

(2) *Oswald in Clinton, La.*—While reports of some Oswald contacts with anti-Castro Cubans were known at the time of the 1964 investigation, allegations of additional Cuba-related associations surfaced in subsequent years. As an example, Oswald reportedly appeared in August–September 1963 in Clinton, La., where a voting rights demonstration was in progress. The reports of Oswald in Clinton were not, as far as the committee could determine, available to the Warren Commission, although one witness said he notified the FBI when he recognized Oswald from news photographs right after the assassination.[25] (*182*) In fact, the Clinton sightings did not publicly surface until 1967, when they were introduced as evidence in the assassination investigation being conducted by New Orleans District Attorney Jim Garrison. (*184*) In that investigation, one suspect, David W. Ferrie, a staunch anti-Castro partisan, died within days of having been named by Garrison; the other, Clay L. Shaw, was acquitted in 1969. (*185*) Aware that Garrison had been fairly criticized for questionable tactics, the committee proceeded cautiously, making sure to determine on its own the credibility of information coming from his probe. The committee found that the Clinton witnesses were credible and significant. They each were interviewed or deposed, or appeared before the committee in executive session. While there were points that could be raised to call into question their credibility, it was the judgment of the committee that they were telling the truth as they knew it.

There were six Clinton witnesses, among them a State representative, a deputy sheriff and a registrar of voters. (*186*) By synthesizing the testimony of all of them, since they each contributed to the overall account, the committee was able to piece together the following sequence of events.

Clinton, La., about 130 miles from New Orleans, is the county seat of East Feliciana Parish. In the late summer of 1963 it was targeted by the Congress of Racial Equality for a voting rights campaign. (*187*) Oswald first showed up in nearby Jackson, La., seeking employment at East Louisiana State Hospital, a mental institution. (*188*) Apparently on advice that his job would depend on his becoming a registered voter, Oswald went to Clinton for that purpose (although the committee could find no record that he was successful. (*189*)

In addition to the physical descriptions they gave that matched that of Oswald, other observations of the witnesses tended to substanti-

[25] Reeves Morgan, a member of the Louisiana Legislature, testified he was called back by the FBI a few days later and asked what Oswald had been wearing. He said he was not contacted again. The FBI had no record of Morgan's call. (*183*)

ate their belief that he was, in fact, the man they saw. For example, he referred to himself as "Oswald," and he produced his Marine Corps discharge papers as identification.(*190*) Some of the witnesses said that Oswald was accompanied by two older men whom they identified as Ferrie and Shaw.(*191*) If the witnesses were not only truthful but accurate as well in their accounts, they established an association of an undetermined nature between Ferrie, Shaw and Oswald less than 3 months before the assassination.

(3) *David Ferrie.*—The Clinton witnesses were not the only ones who linked Oswald to Ferrie. On November 23, the day after the assassination, Jack S. Martin, a part-time private detective and police informant, told the office of the New Orleans District Attorney that a former Eastern Airlines pilot named David Ferrie might have aided Oswald in the assassination.(*192*) Martin had known Ferrie for over 2 years, beginning when he and Ferrie had performed some investigative work on a case involving an illegitimate religious order in Louisville, Ky.(*193*) Martin advised Assistant New Orleans District Attorney Herman Kohlman that he suspected Ferrie might have known Oswald for some time and that Ferrie might have once been Oswald's superior officer in a New Orleans unit of the Civil Air Patrol.(*194*) Martin made further allegations to the FBI on November 25.(*195*) He indicated he thought he once saw a photograph of Oswald and other CAP members when he visited Ferrie's home and that Ferrie might have assisted Oswald in purchasing a foreign firearm.(*196*) Martin also informed the FBI that Ferrie had a history of arrests and that Ferrie was an amateur hypnotist, possibly capable of hypnotizing Oswald.(*197*)

The committee reviewed Ferrie's background. He had been fired by Eastern Airlines,(*198*) and in litigation over the dismissal, which continued through August 1963, he was counseled by a New Orleans attorney named G. Wray Gill.(*199*) Ferrie later stated that in March 1962, he and Gill made an agreement whereby Gill would represent Ferrie in his dismissal dispute in return for Ferrie's work as an investigator on other cases.(*200*) One of these cases involved deportation proceedings against Carlos Marcello, the head of the organized crime network in Louisiana and a client of Gill.[28](*201*) Ferrie also said he had entered into a similar agreement with Guy Banister, a former FBI agent (Special Agent-in-Charge in Chicago) who had opened a private detective agency in New Orleans.(*203*)

(4) *544 Camp Street.*—Banister's firm occupied an office in 1963 in the Newman Building at 531 Lafayette Street.(*204*) Another entrance to the building was at 544 Camp Street, the address Oswald had stamped on his Fair Play for Cuba Committee handouts.(*205*) During the summer of 1963, Ferrie frequented 544 Camp Street regularly as a result of his working relationship with Banister.(*206*)

Another occupant of the Newman Building was the Cuban Revolutionary Council, whose chief New Orleans delegate until 1962 was Ser-

[28] The committee learned that Ferrie's associations with Marcello might have begun earlier. An unconfirmed U.S. Border Patrol report indicated that in February 1962, Ferrie piloted an airplane that returned Marcello to the United States following his ouster from the country by Federal agents in April 1961, as part of the Kennedy administration's crackdown on organized crime. Marcello denied to the committee in executive session that Ferrie flew him out of Latin America, saying that he flew commercial airlines. Records do not exist that can confirm or refute this contention. (*202*)

gio Arcacha Smith.(*207*) He was replaced by Luis Rabel who, in turn, was succeeded by Frank Bartes.(*208*) The committee interviewed or deposed all three CRC New Orleans delegates.(*209*) Arcacha said he never encountered Oswald and that he left New Orleans when he was relieved of his CRC position in early 1962.(*210*) Rabel said he held the post from January to October 1962, but that he likewise never knew or saw Oswald and that the only time he went to the Newman Building was to remove some office materials that Arcacha had left there. (*211*) Bartes said the only time he was in contact with Oswald was in their courtroom confrontation, that he ran the CRC chapter from an office in his home and that he never visited an office at either 544 Camp Street or 531 Lafayette Street.(*212*)

The committee, on the other hand, developed information that, in 1961, Banister, Ferrie, and Arcacha were working together in the anti-Castro cause. Banister, a fervent anti-Communist, was helping to establish Friends of Democratic Cuba as an adjunct to the New Orleans CRC chapter run by Arcacha in an office in the Newman Building.(*213*) Banister was also conducting background investigations of CRC members for Arcacha.(*214*) Ferrie, also strongly anti-Communist and anti-Castro, was associated with Arcacha (and probably Banister) in anti-Castro activism.(*215*)

On November 22, 1963, Ferrie had been in a Federal courtroom in New Orleans in connection with legal proceedings against Carlos Marcello.[27](*216*) That night he drove, with two young friends, to Houston, Tex., then to Galveston on Saturday, November 23, and back to New Orleans on Sunday.(*218*) Before reaching New Orleans, he learned from a telephone conversation with G. Wray Gill that Martin had implicated him in the assassination.(*219*) Gill also told Ferrie about the rumors that he and Oswald had served together in the CAP and that Oswald supposedly had Ferrie's library card in his possession when he was arrested in Dallas.(*220*) When he got to his residence, Ferrie did not go in, but sent in his place one of his companions on the trip, Alvin Beauboeuf.(*221*) Beauboeuf and Ferrie's roommate, Layton Martens, were detained by officers from the district attorney's office.(*222*) Ferrie drove to Hammond, La., and spent the night with a friend.(*223*)

On Monday, November 25, Ferrie turned himself in to the district attorney's office where he was arrested on suspicion of being involved in the assassination.(*224*) In subsequent interviews with New Orleans authorities, the FBI and the Secret Service, Ferrie denied ever having known Oswald or having ever been involved in the assassination. (*225*) He stated that in the days preceding November 22, he had been working intensively for Gill on the Marcello case.(*226*) Ferrie said he was in New Orleans on the morning of November 22, at which time Marcello was acquitted in Federal court of citizenship falsification. (*227*) He stated that he took the weekend trip to Texas for relaxation.(*228*) Ferrie acknowledged knowing Jack Martin, stating that Martin resented him for forcibly removing him from Gill's office earlier that year.(*229*)

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[27] With Ferrie's employer, G. Wray Gill, as his counsel. Marcello was successfully resisting an attempt by the Government to have him legally deported or convicted of a crime. (*217*)

The FBI and Secret Service investigation into the possibility that Ferrie and Oswald had been associated ended a few days later.(*230*) A Secret Service report concluded that the information provided by Jack Martin that Ferrie had been associated with Oswald and had trained him to fire a rifle was "without foundation."(*231*) The Secret Service report went on to state that on November 26, 1963, the FBI had informed the Secret Service that Martin had admitted that his information was a "figment of his imagination." [28](*232*) The investigation of Ferrie was subsequently closed for lack of evidence against him.(*234*)

(5) *A committee analysis of Oswald in New Orleans.*—The Warren Commission had attempted to reconstruct a daily chronology of Oswald's activities in New Orleans during the summer of 1963, and the committee used it, as well as information arising from critics and the Garrison investigation, to select events and contacts that merited closer analysis. Among these were Oswald's confrontation with Carlos Bringuier and with Frank Bartes, his reported activities in Clinton, La., and his ties, if any, to Guy Banister, David Ferrie, Sergio Arcacha Smith and others who frequented the office building at 544 Camp Street.

The committee deposed Carlos Bringuier and interviewed or deposed several of his associates.(*235*) It concluded that there had been no relationship between Oswald and Bringuier and the DRE with the exception of the confrontation over Oswald's distribution of pro-Castro literature. The committee was not able to determine why Oswald approached the anti-Castro Cubans, but it tended to concur with Bringuier and others in their belief that Oswald was seeking to infiltrate their ranks and obtain information about their activities.

As noted, the committee believed the Clinton witnesses to be telling the truth as they knew it. It was, therefore, inclined to believe that Oswald was in Clinton, La., in late August, early September 1963, and that he was in the company of David Ferrie, if not Clay Shaw. The committee was puzzled by Oswald's apparent association with Ferrie, a person whose anti-Castro sentiments were so distant from those of Oswald, the Fair Play for Cuba Committee campaigner. But the relationship with Ferrie may have been significant for more than its anti-Castro aspect, in light of Ferrie's connection with G. Wray Gill and Carlos Marcello.

The committee also found that there was at least a possibility that Oswald and Guy Banister were acquainted. The following facts were considered:

> The 544 Camp Street address stamped on Oswald's FPCC handouts was that of the building where Banister had his office;
>
> Ross Banister told the committee that his brother had seen Oswald handing out FPCC literature during the summer of 1963; (*236*) and
>
> Banister's secretary, Delphine Roberts, told the committee she saw Oswald in Banister's office on several occasions, the first being

[28] It appeared to the committee that the FBI overstated Martin's recantation in its information to the Secret Service. Martin had cautioned the FBI that he had no evidence to support his suspicions but that he believed they merited investigation.(*233*)

when he was interviewed for a job during the summer of 1963.[29] (*237*)

The committee learned that Banister left extensive files when he died in 1964.(*238*) Later that year, they were purchased by the Louisiana State Police from Banister's widow.(*239*) According to Joseph Cambre of the State police, Oswald's name was not the subject of any file, but it was included in a file for the Fair Play for Cuba Committee.(*240*) Cambre said the FPCC file contained newspaper clippings and a transcript of a radio program on which Oswald had appeared.(*241*) The committee was not able to review Banister's files, since they had been destroyed pursuant to an order of the superintendent of Louisiana State Police that all files not part of the public record or pertinent to ongoing criminal investigations be burned.(*242*)

Additional evidence that Oswald may have been associated or acquainted with Ferrie and Banister was provided by the testimony of Adrian Alba, proprietor of the Crescent City Garage which was next door to the Reily Coffee Co. where Oswald had worked for a couple of months in 1963. (The garage and the coffee company were both located less than a block from 544 Camp Street.) Although Alba's testimony on some points was questionable, he undoubtedly did know Oswald who frequently visited his garage, and the committee found no reason to question his statement that he had often seen Oswald in Mancuso's Restaurant on the first floor of 544 Camp.(*243*) Ferrie and Banister also were frequent customers at Mancuso's.(*244*)

(6) *Summary of the evidence.*—In sum, the committee did not believe that an anti-Castro organization was involved in a conspiracy to assassinate President Kennedy. Even though the committee's investigation did reveal that in 1964 the FBI failed to pursue intelligence reports of possible anti-Castro involvement as vigorously as it might have, the committee found it significant that it discovered no information in U.S. intelligence agency files that would implicate anti-Castroites. Contact between the intelligence community and the anti-Castro movement was close, so it is logical to suppose that some trace of group involvement would have been detected had it existed.

The committee also thought it significant that it received no information from the Cuban Government that would implicate anti-Castroites. The Cubans had dependable information sources in the exile communities in Miami, New Orleans, Dallas and other U.S. cities, so there is high probability that Cuban intelligence would have been aware of any group involvement by the exiles. Following the assassination, the Cuban Government would have had the highest incentive to report participation by anti-Castroites, had it existed to its knowledge, since it would have dispelled suspicions of pro-Castro Cuban involvement. The committee was impressed with the cooperation it received from the Cuban Government, and while it acknowledged this cooperation might not have been forthcoming in 1964, it concluded that, had such information existed in 1978, it would have been supplied by Cuban officials.

On the other hand, the committee noted that it was unable to preclude from its investigation the possibility that individuals with anti-

[29] The committee did not credit the Roberts' testimony standing alone. It came late in the investigation and without corroboration or independent substantiation, and much of Roberts' other testimony lacked credibility.

Castro leanings might have been involved in the assassination. The committee candidly acknowledged, for example, that it could not explain Oswald's associations—nor at this late date fully determine their extent—with anti-Castro Cubans. The committee remained convinced that since Oswald consistently demonstrated a left-wing Marxist ideology, he would not have supported the anti-Castro movement. At the same time, the committee noted that Oswald's possible association with Ferrie might be distinguishable, since it could not be simply termed an anti-Castro association. Ferrie and Oswald may have had a personal friendship unrelated to Cuban activities. Ferrie was not Cuban, and though he actively supported the anti-Castro cause, he had other interests. For one, he was employed by Carlos Marcello as an investigator.(*245*) (It has been alleged that Ferrie operated a service station in 1964, the franchise for which was reportedly paid by Marcello.) (*246*) The committee concluded, therefore, that Oswald's most significant apparent anti-Castro association, that with David Ferrie, might in fact not have been related to the Cuban issue.

In the end, the committee concluded that the evidence was sufficient to support the conclusion that anti-Castro Cuban groups, as groups, were not involved in the assassination, but it could not preclude the possibility that individual members may have been involved.

4. THE COMMITTEE BELIEVES, ON THE BASIS OF THE EVIDENCE AVAILABLE TO IT, THAT THE NATIONAL SYNDICATE OF ORGANIZED CRIME, AS A GROUP, WAS NOT INVOLVED IN THE ASSASSINATION OF PRESIDENT KENNEDY, BUT THAT THE AVAILABLE EVIDENCE DOES NOT PRECLUDE THE POSSIBILITY THAT INDIVIDUAL MEMBERS MAY HAVE BEEN INVOLVED

Leo Harvey Oswald was fatally shot by Jack Ruby at 11:21 a.m. on Sunday, November 24, 1963, less than 48 hours after President Kennedy was assassinated. While many Americans were prepared to believe that Oswald had acted alone in shooting the President, they found their credulity strained when they were asked to accept a conclusion that Ruby, too, had not acted as part of a plot. As the Warren Commission observed,

> * * * almost immediately speculation arose that Ruby had acted on behalf of members of a conspiracy who had planned the killing of President Kennedy and wanted to silence Oswald.(*1*).

The implications of the murder of Oswald are crucial to an understanding of the assassination itself. Several of the logical possibilities should be made explicit:

Oswald was a member of a conspiracy, and he was killed by Ruby, also a conspirator, so that he would not reveal the plot.

Oswald was a member of a conspiracy, yet Ruby acted alone, as he explained, for personal reasons.

Oswald was not a member of a conspiracy as far as Ruby knew, but his murder was an act planned by Ruby and others to take justice into their own hands.

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Both Oswald and Ruby acted alone or with the assistance of only one or two confederates, but there was no wider conspiracy, one that extended beyond the immediate participants.

If it is determined that Ruby acted alone, it does not necessarily follow that there was no conspiracy to murder the President. But if Ruby was part of a sophisticated plot to murder Oswald, there would be troublesome implications with respect to the assassination of the President. While it is possible to develop an acceptable rationale of why a group might want to kill the President's accused assassin, even though its members were not in fact involved in the assassination, it is difficult to make the explanation sound convincing. There is a possibility, for example, that a Dallas citizen or groups of citizens planned the murder of Oswald by Ruby to revenge the murders of President Kennedy or Patrolman J. D. Tippit, or both. Nevertheless, the brief period of time between the two murders, during which the vengeful plotters would have had to formulate and execute Oswald's murder, would seem to indicate the improbability of such an explanation. A preexisting group might have taken action within 48 hours, but it is doubtful that a group could have planned and then carried out Oswald's murder in such a short period of time.

(*a*) *The Warren Commission investigation*

The Warren Commission looked at Ruby's conduct and associations from November 21 through November 24 to determine if they reflected a conspiratorial relationship with Oswald.(*2*) It found no "* * * grounds for believing that Ruby's killing of Oswald was part of a conspiracy."(*3*) It accepted as true his explanation that his conduct reflected "genuine shock and grief" and strong affection for President Kennedy and his family.(*4*) As for numerous phone contacts Ruby had with underworld figures in the weeks preceding the assassination, the Commission believed his explanation that they had to do with his troubles with the American Guild of Variety Artists, rather than reflecting any sinister associations that might have been related to the President's assassination.(*5*)

The Commission also found no evidence that Ruby and Oswald had ever been acquainted, although the Commission acknowledged that they both lived in the Oak Cliff section of Dallas, had post office boxes at the terminal annex, and had possible but tenuous third party links. These included Oswald's landlady, Earlene Roberts, whose sister, Bertha Cheek, had visited Ruby at his nightclub on November 18,(*6*) and a fellow boarder at Oswald's roominghouse, John Carter, who was friendly with a close friend and employee of Ruby, Wanda Killam.(*7*).

The Commission also looked to Ruby's ties to other individuals or groups that might have obviated the need for direct contact with Oswald near the time of the assassination. Ruby was found not to be linked to pro- or anti-Castro Cuban groups;(*8*) he was also found not to be linked to "illegal activities with members of the organized underworld."(*9*) The Commission noted that Ruby "disclaimed that he was associated with organized criminal activities," and it did not find reason to disbelieve him.(*10*) The evidence "fell short" of demonstrating that Ruby "was significantly affiliated with organized crime."(*11*) He was, at worst, "familiar, if not friendly" with some

criminal elements, but he was not a participant in "organized criminal activity."(*12*) Consequently, the Commission concluded that "the evidence does not establish a significant link between Ruby and organized crime."(*13*) And in its central conclusion about Jack Ruby, the Commission stated that its investigation had "yielded no evidence that Ruby conspired with anyone in planning or executing the killing of Lee Harvey Oswald."(*14*) For the Warren Commission, therefore, Ruby's killing of Oswald had no implications for Oswald's killing of the President.

(*b*) *The committee investigation*

Like the Warren Commission, the committee was deeply troubled by the circumstances surrounding the murder of the President's accused assassin. It, too, focused its attention on Jack Ruby, his family and his associates. Its investigation, however, was not limited to Ruby, Oswald and their immediate world. The committee's attention was also directed to organized crime and those major figures in it who might have been involved in a conspiracy to kill the President because of the Kennedy administration's unprecedented crackdown on them and their illicit activities.

(1) *Ruby and organized crime.*—The committee, as did the Warren Commission, recognized that a primary reason to suspect organized crime of possible involvement in the assassination was Ruby's killing of Oswald. For this reason, the committee undertook an extensive investigation of Ruby and his relatives, friends and associates to determine if there was evidence that Ruby was involved in crime, organized or otherwise, such as gambling and vice, and if such involvement might have been related to the murder of Oswald.

The evidence available to the committee indicated that Ruby was not a "member" of organized crime in Dallas or elsewhere, although it showed that he had a significant number of associations and direct and indirect contacts with underworld figures, a number of whom were connected to the most powerful La Cosa Nostra leaders. Additionally, Ruby had numerous associations with the Dallas criminal element.

The committee examined the circumstances of a well-known episode in organized crime history in which representatives of the Chicago Mafia attempted in, 1947, a move into Dallas, facilitated by the bribery of members of the Dallas sheriff's office.(*15*) The Kefauver committee of the U.S. Senate, during its extensive probe of organized crime in the early 1950's, termed this attempt by the Chicago syndicate to buy protection from the Dallas authorities an extraordinary event, one of the more brazen efforts made during that postwar period of criminal expansion.

In the years since the assassination, there had been allegations that Ruby was involved in organized crime's 1947 attempt to move into Dallas, perhaps as a frontman for the Chicago racketeers.(*16*) During discussions of the bribe offer, Dallas Sheriff Steve Guthrie secretly taped conversations in which the Chicago mob representative outlined plans for its Dallas operation.(*17*) They spoke of establishing a nightclub as a front for illegal gambling. It happens that Ruby moved from Chicago to Dallas in 1947 and began operating a number of nightclubs.(*18*) While the FBI and the Warren Commission were aware in 1964 of the alleged links between Ruby and those involved in the

bribery attempt, a thorough investigation of the charges was not undertaken.(*19*)

The committee frankly realized that because this incident occurred 32 years in the past, it would be difficult, if not impossible, to answer all the allegations fully and finally. Nevertheless, the committee was able to develop substantial evidence from tape recordings made by the sheriff's office, detailed law enforcement documents and the testimony of knowledgeable witnesses.

As a result, the committee concluded that while Ruby and membars of his family were acquainted with individuals who were involved in the incident, including Chicago gangsters who had moved to Dallas, and while Ruby may have wished to participate, there was no solid evidence that he was, in fact, part of the Chicago group.(*20*) There was also no evidence available that Ruby was to have been involved in the proposed gambling operation had the bribery attempt been successful, or that Ruby came to Dallas for that purpose.(*21*)

The committee found it reasonable to assume that had Ruby been involved in any significant way, he would probably have been referred to in either the tape recordings or the documentation relating to the incident, but a review of that available evidence failed to disclose any reference to Ruby.(*22*) The committee, however, was not able to interview former Sheriff Guthrie, the subject of the bribery attempt and the one witness who maintained to the FBI in 1963–64 that Ruby was significantly involved in the Chicago syndicate plan.[1](*23*)

The committee also examined allegations that, even before the 1947 move to Dallas, Ruby had been personally acquainted with two professional killers for the organized crime syndicate in Chicago, David Yaras and Lenny Patrick.(*25*) The committee established that Ruby, Yaras and Patrick were in fact acquainted during Ruby's years in Chicago, particularly in the 1930's and 1940's.(*26*) Both Yaras and Patrick admitted, when questioned by the FBI in 1964, that they did know Ruby, but both said that they had not had any contact with him for 10 to 15 years.(*27*) Yaras and Patrick further maintained they had never been particularly close to Ruby, had never visited him in Dallas and had no knowledge of Ruby being connected to organized crime.(*28*) Indeed, the Warren Commission used Patrick's statement as a footnote citation in its report to support its conclusion that Ruby did not have significant syndicate associations.(*29*)

On the other hand, the committee established that Yaras and Patrick were, in fact, notorious gunmen, having been identified by law enforcement authorities as executioners for the Chicago mob(*30*) and closely associated with Sam Giancana, the organized crime leader in Chicago who was murdered in 1975. Yaras and Patrick are believed to have been responsible for numerous syndicate executions, including the murder of James Ragan, a gambling wire service owner.(*31*) The evidence implicating Yaras and Patrick in syndicate activities is unusually reliable.(*32*) Yaras, for example, was overheard in a 1962 electronic surveillance discussing various underworld murder con-

[1] With reference to Guthrie's claim that Ruby's name had been mentioned frequently in the discussions with Chicago underworld representatives, the committee's review of the tape recordings failed to disclose such references. Portions of the tapes were unintelligible and two entire recordings were discovered by investigators in 1964 to be missing, so the evidence was not conclusive.(*24*)

tracts he had carried out and one he had only recently been assigned. While the committee found no evidence that Ruby was associated with Yaras or Patrick during the 1950's or 1960's,(*33*) it concluded that Ruby had probably talked by telephone to Patrick during the summer of 1963.(*34*)

While Ruby apparently did not participate in the organized crime move to Dallas in 1947, he did establish himself as a Dallas nightclub operator around that time. His first club was the Silver Spur, which featured country and western entertainment. Then he operated the Sovereign, a private club that failed and was converted into the Carousel Club, a burlesque house with striptease acts. Ruby, an extroverted individual, acquired numerous friends and contacts in and around Dallas, some of whom had syndicate ties.

Included among Ruby's closest friends was Lewis McWillie. McWillie moved from Dallas to Cuba in 1958 and worked in gambling casinos in Havana until 1960.(*35*) In 1978, McWillie was employed in Las Vegas, and law enforcement files indicate he had business and personal ties to major organized crime figures, including Meyer Lansky and Santos Trafficante.(*36*)

Ruby traveled to Cuba on at least one occasion to visit McWillie.(*37*) McWillie testified to the committee that Ruby visited him only once in Cuba, and that it was a social visit.(*38*) The Warren Commission concluded this was the only trip Ruby took to Cuba,(*39*) despite documentation in the Commission's own files indicating Ruby made a second trip.(*40*)

Both Ruby and McWillie claimed that Ruby's visit to Cuba was at McWillie's invitation and lasted about a week in the late summer or early fall of 1959.(*41*)The committee, however, obtained tourist cards from the Cuban Government that show Ruby entered Cuba on August 8, 1959, left on September 11, reentered on September 12 and left again on September 13, 1959.(*42*) These documents supplement records the committee obtained from the Immigration and Naturalization Service (INS) indicating that Ruby left Cuba on September 11, 1959, traveling to Miami, returned to Cuba on September 12, and traveled on to New Orleans on September 13, 1959.(*43*) The Cuban Government could not state with certainty that the commercial airline flights indicated by the INS records were the only ones Ruby took during the period.(*44*)

Other records obtained by the committee indicate that Ruby was in Dallas at times during the August 8 to September 11, 1959, period.(*45*) He apparently visited his safe deposit box on August 21, met with FBI Agent Charles W. Flynn on August 31,[2] and returned to the safe deposit box on September 4.(*47*) Consequently, if the tourist card documentation, INS, FBI and bank records are all correct, Ruby had to have made at least three trips to Cuba. While the records appeared to be accurate, they were incomplete. The committee was unable to determine, for example, whether on the third trip, if it occurred, Ruby

[2] In March 1959, Ruby told the FBI he wished to assist the Bureau by supplying on a confidential basis criminal information that had come to his attention. Between April and October 1959, Ruby met with Agent Flynn eight times and gave him a small bit of information about thefts and related offenses. On November 6, 1959, Flynn wrote that Ruby's information had not been particularly helpful, that further attempts to develop Ruby as a PCI (potential criminal informant) would be fruitless and that the file on Ruby should be closed.(*46*)

traveled by commercial airline or some other means. Consequently, the committee could not rule out the possibility that Ruby made more trips during this period or at other times.

Based on the unusual nature of the 1-day trip to Miami from Havana on September 11–12 and the possibility of at least one additional trip to Cuba, the committee concluded that vacationing was probably not the purpose for traveling to Havana, despite Ruby's insistence to the Warren Commission that his one trip to Cuba in 1959 was a social visit.(*48*) The committee reached the judgment that Ruby most likely was serving as a courier for gambling interests when he traveled to Miami from Havana for 1 day, then returned to Cuba for a day, before flying to New Orleans.(*49*) This judgment is supported by the following:

McWillie had made previous trips to Miami on behalf of the owners of the Tropicana, the casino for which he worked, to deposit funds;(*50*)

McWillie placed a call to Meyer Panitz, a gambling associate in Miami, to inform him that Ruby was coming from Cuba, resulting in two meetings between Panitz and Ruby;(*51*)

There was a continuing need for Havana casino operators to send their assets out of Cuba to protect them from seizure by the Castro government;(*52*) and

The 1-day trip from Havana to Miami was not explained by Ruby, and his testimony to the Warren Commission about his travels to Cuba was contradictory.(*53*)

The committee also deemed it likely that Ruby at least met various organized crime figures in Cuba, possibly including some who had been detained by the Cuban government.(*54*) In fact, Ruby told the Warren Commission that he was later visited in Dallas by McWillie and a Havana casino owner and that they had discussed the gambling business in Cuba.[3](*55*)

As noted by the Warren Commission, an exporter named Robert McKeown alleged that Ruby offered in 1959 to purchase a letter of introduction to Fidel Castro in hopes of securing the release of three individuals being held in a Cuban prison.(*57*) McKeown also claimed Ruby contacted him about a sale of jeeps to Cuba.[4](*58*) If McKeown's allegations were accurate, they would support a judgment that Ruby's travels to Cuba were not merely for a vacation. (The committee was unable to confirm or refute McKeown's allegations. In his appearance before the committee in executive session, however, McKeown's story did not seem to be credible, based on the committee's assessment of his demeanor.)(*61*)

It has been charged that Ruby met with Santos Trafficante in Cuba sometime in 1959.(*62*) Trafficante, regarded as one of the Nation's most powerful organized crime figures, was to become a key participant in Castro assassination attempts by the Mafia and the CIA from 1960 to 1963.(*63*) The committee developed circumstantial evidence

[3] Earlier, though both he and McWillie denied it, Ruby apparently sent a coded message to McWillie in Havana, containing various sets of numerals, a communication Ruby transmitted to McWillie via McWillie's girlfriend.(*56*)

[4] Ruby denied this to the Warren Commission, stating he did not have sufficient contacts to obtain jeeps at the time.(*59*) The Warren Commission noted that Ruby "made preliminary inquiries, as a middleman" in regard to the possible sale of jeeps to Cuba, but stated that he "was merely pursuing a moneymaking opportunity."(*60*)

that makes a meeting between Ruby and Trafficante a distinct possibility,(*64*) but the evidence was not sufficient to form a final conclusion as to whether or not such a meeting took place.

While allegations of a Ruby link to Trafficante had previously been raised, mainly due to McWillie's alleged close connections to the Mafia leader, it was not until recent years that they received serious attention. Trafficante had long been recognized by law enforcement officials as a leading member of the La Cosa Nostra, but he did not become the object of significant public attention in connection with the assassination of the President until his participation in the assassination plots against Castro was disclosed in 1975.

In 1976, in response to a freedom of information suit, the CIA declassified a State Department cablegram received from London on November 28, 1963. It read:

> On 26 November 1963, a British Journalist named John Wilson, and also known as Wilson-Hudson, gave information to the American Embassy in London which indicated that an "American gangster-type named Ruby" visited Cuba around 1959. Wilson himself was working in Cuba at that time and was jailed by Castro before he was deported.
>
> In prison in Cuba, Wilson says he met an American gangster-gambler named Santos who could not return to the U.S.A. * * * Instead he preferred to live in relative luxury in a Cuban prison. While Santos was in prison, Wilson says, Santos was visited frequently by an American gangster type named Ruby.(*65*)

Several days after the CIA had received the information, the Agency noted that there were reports that Wilson-Hudson was a "psychopath" and unreliable. The Agency did not conduct an investigation of the information, and the Warren Commission was apparently not informed of the cablegram. The former staff counsel who directed the Commission's somewhat limited investigation of organized crime told the committee that since the Commission was never told of the CIA's use of the Mafia to try to assassinate Castro from 1960 to 1963, he was not familiar with the name Santos Trafficante in 1964.(*66*)

The committee was unable to locate John Wilson-Hudson. (According to reports, he had died.) Nor was the committee able to obtain independent confirmation of the Wilson-Hudson allegation. The committee was able, however, to develop corroborative information to the effect that Wilson-Hudson was incarcerated at the same detention camp in Cuba as Trafficante.(*67*)

On June 6, 1959, Trafficante and others who controlled extensive gambling interests in Cuba were detained as part of a Castro government policy that would subsequently lead to the confiscation of all underworld holdings in Cuba.(*68*) They were held in Trescornia, a minimum security detention camp.(*69*) According to documentation supplied by the Cuban Government, Trafficante was released from Trescornia on August 18, 1959.(*70*) Tourist card documentation, also obtained by the committee, as well as various Warren Commission documents, indicate Ruby's first trip to Cuba began on August 8, 1959.(*71*) Thus, Ruby was in Cuba during part of the final days of Trafficante's detention at Trescornia.(*72*)

McWillie testified before the committee that he had visited another detainee at Trescornia during that period, and he recalled possibly seeing Trafficante there. McWillie claimed, however, he did not say more than "hello" to him.(*73*) McWillie further testified it was during that period that Ruby visited him in Havana for about a week, and that Ruby tagged along with him during much of his stay.(*74*) McWillie told the committee that Ruby could have gone with him to visit Trescornia, although he doubted that Ruby did so.(*75*) McWillie testified that he could not clearly recall much about Ruby's visit.(*76*)

Jose Verdacia Verdacia, a witness made available for a committee interview by the Cuban Government, was the warden at Trescornia in August 1959.(*77*) Verdacia told the committee that he could not recall the name John Wilson-Hudson, but he could remember a British journalist who had worked in Argentina, as had Wilson-Hudson, who was detained at Trescornia.(*78*)

In his own public testimony before the committee, Trafficante testified that he did not remember Ruby ever having visited him at Trescornia. Trafficante stated,

> There was no reason for this man to visit me. I have never seen this man before. I have never been to Dallas, I never had no contact with him. I don't see why he was going to come and visit me.(*79*)

Trafficante did, however, testify that he could recall an individual fitting British journalist John Wilson-Hudson's description, and he stated that the man was among those who were held in his section at Trescornia.(*80*)

The importance of a Ruby-Trafficante meeting in Trescornia should not be overemphasized. The most it would show would be a meeting, at that a brief one. No one has suggested that President Kennedy's assassination was planned at Trescornia in 1959. At the same time, a meeting or an association, even minor, between Ruby and Trafficante would not have been necessary for Ruby to have been used by Trafficante to murder Oswald.(*81*) Indeed, it is likely that such a direct contact would have been avoided by Trafficante if there had been a plan to execute either the President or the President's assassin, but, since no such plot could have been under consideration in 1959, there would not have been a particular necessity for Trafficante to avoid contact with Ruby in Cuba.

The committee investigated other aspects of Ruby's activities that might have shown an association with organized crime figures. An extensive computer analysis of his telephone toll records for the month prior to the President's assassination revealed that he either placed calls to or received calls from a number of individuals who may be fairly characterized as having been affiliated, directly or indirectly, with organized crime.(*82*) These included Irwin Weiner, a Chicago bondsman well-known as a frontman for organized crime and the Teamsters Union;(*83*) Robert "Barney" Baker, a lieutenant of James R. Hoffa and associate of several convicted organized crime executioners;(*84*) Nofio J. Pecora, a lieutenant of Carlos Marcello, the Mafia boss in Louisiana;(*85*) Harold Tannenbaum, a New Orleans French Quarter nightclub manager who lived in a trailer park owned

by Pecora;(*86*) McWillie, the Havana gambler;(*87*) and Murray "Dusty" Miller, a Teamster deputy of Hoffa and associate of various underworld figures.(*88*) Additionally, the committee concluded that Ruby was also probably in telephonic contact with Mafia executioner Lenny Patrick sometime during the summer of 1963.(*89*) Although no such call was indicated in the available Ruby telephone records, Ruby's sister, Eva Grant, told the Warren Commission that Ruby had spoken more than once of having contacted Patrick by telephone during that period.(*90*)

The committee found that the evidence surrounding the calls was generally consistent—at least as to the times of their occurrence—with the explanation that they were for the purpose of seeking assistance in a labor dispute.(*91*) Ruby, as the operator of two nightclubs, the Carousel and the Vegas, had to deal with the American Guild of Variety Artists (AGVA), an entertainers union.(*92*) Ruby did in fact have a history of labor problems involving his striptease performers, and there was an ongoing dispute in the early 1960's regarding amateur performers in Dallas area nightclubs.(*93*) Testimony to the committee supported the conclusion that Ruby's phone calls were, by and large, related to his labor troubles.(*94*) In light of the identity of some of the individuals, however, the possibility of other matters being discussed could not be dismissed.(*95*)

In particular, the committee was not satisfied with the explanations of three individuals closely associated with organized crime who received telephone calls from Ruby in October or November 1963.(*96*)

Weiner, the Chicago bondsman, refused to discuss his call from Ruby on October 26, 1963, with the FBI in 1964,(*97*) and he told a reporter in 1978 that the call had nothing to do with labor problems.(*98*) In his executive session testimony before the committee, however, Weiner stated that he had lied to the reporter, and he claimed that he and Ruby had, in fact, discussed a labor dispute.(*99*) The committee was not satisfied with Weiner's explanation of his relationship with Ruby. Weiner suggested Ruby was seeking a bond necessary to obtain an injunction in his labor troubles, yet the committee could find no other creditable indication that Ruby contemplated seeking court relief, nor any other explanation for his having to go to Chicago for such a bond.(*100*)

Barney Baker told the FBI in 1964 that he had received only one telephone call from Ruby (on Nov. 7, 1963) during which he had curtly dismissed Ruby's plea for assistance in a nightclub labor dispute.(*101*) The committee established, however, that Baker received a second lengthy call from Ruby on November 8.(*102*) The committee found it hard to believe that Baker, who denied the conversation ever took place, could have forgotten it.(*103*)

The committee was also dissatisfied with the explanation of a call Ruby made on October 30, 1963, to the New Orleans trailer park office of Nofio J. Pecora, the long-time Marcello lieutenant.(*104*) Pecora told the committee that only he would have answered his phone and that he never spoke with Ruby or took a message from him.(*105*) The committee considered the possibility that the call was actually for Harold Tannenbaum, a mutual friend of Ruby and

Pecora who lived in the trailer park, although Pecora denied he would have relayed such a message.(*106*)

Additionally, the committee found it difficult to dismiss certain Ruby associations with the explanation that they were solely related to his labor problems. For example, James Henry Dolan, a Dallas AGVA representative, was reportedly an acquaintance of both Carlos Marcello and Santos Trafficante.(*107*) While Dolan worked with Ruby on labor matters, they were also allegedly associated in other dealings, including a strong-arm attempt to appropriate the proceeds of a one-night performance of a stage review at the Adolphus Hotel in Dallas called "Bottoms Up." (*108*) The FBI, moreover, has identified Dolan as an associate of Nofio Pecora.(*109*) The committee noted further that reported links between AGVA and organized crime figures have been the subject of Federal and State investigations that have been underway for years.[5] (*110*) The committee's difficulties in separating Ruby's AGVA contacts from his organized crime connections was, in large degree, based on the dual roles that many of his associates played.[6]

In assessing the significance of these Ruby contacts, the committee noted, first of all, that they should have been more thoroughly explored in 1964 when memories were clearer and related records (including, but not limited to, additional telephone toll records) were available. Further, while there may be persuasive arguments against the likelihood that the attack on Oswald would have been planned in advance on the telephone with an individual like Ruby, the pattern of contacts did show that individuals who had the motive to kill the President also had knowledge of a man who could be used to get access to Oswald in the custody of the Dallas police. In Ruby, they also had knowledge of a man who had exhibited a violent nature and who was in serious financial trouble. The calls, in short, established knowledge and possible availability, if not actual planning.

(2) *Ruby and the Dallas Police Department.*—The committee also investigated the relationship between Ruby and the Dallas Police Department to determine whether members of the department might have helped Ruby get access to Oswald for the purpose of shooting him.(*111*) Ruby had a friendly and somewhat unusual relationship with the Dallas Police Department, both collectively and with individual officers, but the committee found little evidence of any significant influence by Ruby within the force that permitted him to engage in illicit activities.(*112*) Nevertheless, Ruby's close relationship with one or more members of the police force may have been a factor in his entry to the police basement on November 24, 1963. (*113*)

Both the Warren Commission and a Dallas Police Department investigative unit concluded that Ruby entered the police basement on November 24, 1963, between 11:17 a.m., when he apparently sent a telegram, and 11:21, when he shot Oswald, via the building's Main Street ramp as a police vehicle was exiting, thereby fortuitously

[5] According to FBI records, AGVA has been used frequently by members of organized crime as a front for criminal activities.

[6] Although it was dissatisfied with the explanations it received for these calls, the committee also noted that the individuals called may have been reluctant to admit that Ruby was seeking their assistance in an illegal effort to settle his labor problems.

creating a momentary distraction.(*114*) The committee, however, found that Ruby probably did not come down the ramp,(*115*) and that his most likely route was an alleyway located next to the Dallas Municipal Building and a stairway leading to the basement garage of police headquarters.(*116*)

The conclusion reached by the Warren Commission that Ruby entered the police basement via the ramp was refuted by the eyewitness testimony of every witness in the relevant area, only Ruby himself excepted.(*117*) It was also difficult for the committee to reconcile the ramp route with the 55-second interval (derived from viewings of the video tapes of the Oswald murder) from the moment the police vehicle started up the ramp and the moment Ruby shot Oswald.(*118*) Ruby would have had to come down the ramp after the vehicle went up, leaving him less than 55 seconds to get down the ramp and kill Oswald. Even though the Warren Commission and the Dallas police investigative unit were aware of substantial testimony contradicting the ramp theory,(*119*) they arrived at their respective conclusions by relying heavily on Ruby's own assertions and what they perceived to be the absence of a plausible alternative route.(*120*)

The committee's conclusion that Ruby entered from the alley was supported by the fact that it was much less conspicuous than the alternatives,(*121*) by the lack of security in the garage area and along the entire route,(*122*) and by the testimony concerning the security of the doors along the alley and stairway route.(*123*) This route would also have accommodated the 4-minute interval from Ruby's departure from a Western Union office near police headquarters at 11:17 a.m. to the moment of the shooting at 11:21.(*124*)

Based on a review of the evidence, albeit circumstantial, the committee believed that Ruby's shooting of Oswald was not a spontaneous act, in that it involved at least some premeditation.(*125*) Similarly, the committee believed that it was less likely that Ruby entered the police basement without assistance, even though the assistance may have been provided with no knowledge of Ruby's intentions. The assistance may have been in the form of information about plans for Oswald's transfer or aid in entering the building or both.[1] (*126*)

The committee found several circumstances significant in its evaluation of Ruby's conduct. It considered in particular the selectively recalled and self-serving statements in Ruby's narration of the events of the entire November 22–24 weekend in arriving at its conclusions.(*127*) It also considered certain conditions and events. The committee was troubled by the apparently unlocked doors along the stairway route and the removal of security guards from the area of the garage nearest the stairway shortly before the shooting;(*128*) by a Saturday night telephone call from Ruby to his closest friend, Ralph Paul, in which Paul responded to something Ruby said by asking him if he was crazy;(*129*) and by the actions and statements of several Dallas police officers, particularly those present when Ruby was initially interrogated about the shooting of Oswald.(*130*)

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[1] While the Warren Commission did not make reference to it in its report, Ruby refused in his first interviews with the FBI, Secret Service and the Dallas police to indicate how he entered the basement or whether anyone had assisted him. In later interviews, Ruby stated he had walked down the ramp.

There is also evidence that the Dallas Police Department withheld relevant information from the Warren Commission concerning Ruby's entry to the scene of the Oswald transfer.(*131*) For example, the fact that a polygraph test had been given to Sergeant Patrick Dean in 1964 was never revealed to the Commission, even though Dean was responsible for basement security and was the first person to whom Ruby explained how he had entered the basement.(*132*) Dean indicated to the committee that he had "failed" the test, but the committee was unable to locate a copy of the actual questions, responses and results.(*133*)

(3) *Other evidence relating to Ruby.*—The committee noted that other Ruby activities and movements during the period immediately following the assassination—on November 22 and 23—raised disturbing questions. For example, Ruby's first encounter with Oswald occurred over 36 hours before he shot him. Ruby was standing within a few feet of Oswald as he was being moved from one part of police headquarters to another just before midnight on November 22.(*134*) Ruby testified that he had no trouble entering the building, and the committee found no evidence contradicting his story. The committee was disturbed, however, by Ruby's easy access to headquarters and by his inconsistent accounts of his carrying a pistol. In an FBI interview on December 25, 1963, he said he had the pistol during the encounter with Oswald late in the evening of November 22. But when questioned about it by the Warren Commission, Ruby replied, "I will be honest with you. I lied about it. It isn't so, I didn't have a gun."(*135*) Finally, the committee was troubled by reported sightings of Ruby on Saturday, November 23, at Dallas police headquarters and at the county jail at a time when Oswald's transfer to the county facility had originally been scheduled. These sightings, along with the one on Friday night, could indicate that Ruby was pursuing Oswald's movements throughout the weekend.

The committee also questioned Ruby's self-professed motive for killing Oswald, his story to the Warren Commission and other authorities that he did it out of sorrow over the assassination and sympathy for the President's widow and children. Ruby consistently claimed there had been no other motive and that no one had influenced his act.(*136*) A handwritten note by Ruby, disclosed in 1967, however, exposed Ruby's explanation for the Oswald slaying as a fabricated legal ploy.(*137*) Addressed to his attorney, Joseph Tonahill, it told of advice Ruby had received from his first lawyer, Tom Howard, in 1963: "Joe, you should know this. Tom Howard told me to say that I shot Oswald so that Caroline and Mrs. Kennedy wouldn't have to come to Dallas to testify. OK?"(*138*)

The committee examined a report that Ruby was at Parkland Hospital shortly after the fatally wounded President had been brought there on November 22, 1963. Seth Kantor, a newsman then employed by Scripps-Howard who had known Ruby, later testified to the Warren Commission that he had run into him at Parkland and spoken with him briefly shortly before the President's death was announced.(*139*) While the Warren Commission concluded that Kantor was mistaken.(*140*) the committee determined he probably was not. The committee was impressed by the opinion of Burt W. Griffin, the

Warren Commission counsel who directed the Ruby investigation and wrote the Ruby section of the Warren report. Griffin told the committee he had come to believe, in light of evidence subsequently brought out, that the Commission's conclusion about Kantor's testimony was wrong.(*141*)

Subsequent to Ruby's apprehension, he was given a polygraph examination by the FBI in which he denied that he had been involved with any other person in killing Oswald, or had been involved in any way in the assassination of President Kennedy.(*142*) The Warren Commission stated it did not rely on this examination in drawing conclusions, although it did publish a transcript of the examination.(*143*) The FBI in 1964 also expressed dissatisfaction with the test,(*144*) based on the circumstances surrounding its administration. A panel of polygraph experts reviewed the examination for the committee and concluded that it was not validly conducted or interpreted.(*145*) Because there were numerous procedural errors made during the test, the committee's panel was unable to interpret the examination.(*146*)

Finally, the committee analyzed the finances of Ruby and of his family to determine if there was any evidence of financial profit from his killing of the accused assassin.(*147*) It was an analysis the Warren Commission could not perform so soon after the assassination.(*148*) Some financial records, including tax returns, could not be legally obtained by the committee without great difficulty, and others no longer existed.(*149*) Nevertheless, on the basis of the information that it did obtain, the committee uncovered no evidence that Ruby or members of his family profited from the killing of Oswald. (*150*) Particular allegations concerning the increased business and personal incomes of Ruby's brother Earl were investigated, but the committee found no link between Earl Ruby's finances and the Oswald slaying.(*151*) Earl Ruby did say he had been approached by the Chicago bondsman and associate of organized crime figures, Irwin Weiner, who made a business proposition to him in 1978, the day before Earl Ruby was to testify before the committee.(*152*) Earl Ruby said he declined the offer,(*153*) while Weiner denied to the committee he ever made it.(*154*) The committee was not able to resolve the difference between the two witnesses.

(4) *Involvement of organized crime.*—In contrast to the Warren Commission, the committee's investigation of the possible involvement of organized crime in the assassination was not limited to an examination of Jack Ruby. The committee also directed its attention to organized crime itself.

Organized crime is a term of many meanings. It can be used to refer to the crimes committed by organized criminal groups—gambling, narcotics, loan-sharking, theft and fencing, and the like.(*155*) It can also be used to refer to the criminal groups that commit those crimes.(*156*) Here, a distinction may be drawn between an organized crime enterprise that engages in providing illicit goods and services and an organized crime syndicate that regulates relations between individual enterprises—allocating territory, settling personal disputes, establishing gambling payoffs, etc.(*157*) Syndicates, too, are of different types. They may be metropolitan, regional, national or interna-

tional in scope; they may be limited to one field of endeavor—for example, narcotics—or they may cover a broad range of illicit activities.(*158*).

Often, but not always, the term organized crime refers to a particular organized crime syndicate, variously known as the Mafia or La Cosa Nostra,(*159*) and it is in this sense that the committee has used the phrase. This organized crime syndicate was the principal target of the committee investigation.(*160*)

The committee found that by 1964 the fundamental structure and operations of organized crime in America had changed little since the early 1950's, when, after conducting what was then the most extensive investigation of organized crime in history, the Kefauver committee concluded:

> 1. There is a nationwide crime syndicate known as the Mafia, whose tentacles are found in many large cities. It has international ramifications which appear most clearly in connection with the narcotics traffic.
>
> 2. Its leaders are usually found in control of the most lucrative rackets in their cities.
>
> 3. There are indications of a centralized direction and control of these rackets, but leadership appears to be in a group rather than in a single individual.
>
> 4. The Mafia is the cement that helps to bind the * * * syndicate of New York and the * * * syndicate of Chicago as well as smaller criminal gangs and individual criminals through the country.
>
> 5. The domination of the Mafia is based fundamentally on "muscle" and "murder." The Mafia is a secret conspiracy against law and order which will ruthlessly eliminate anyone who stands in the way of its success in any criminal enterprise in which it is interested. It will destroy anyone who betrays its secrets. It will use any means available—political influence, bribery, intimidation, et cetera, to defeat any attempt on the part of law enforcement to touch its top figures * * *.(*161*)

The committee reviewed the evolution of the national crime syndicate in the years after the Kefauver committee and found continuing vitality, even more sophisticated techniques, and an increased concern for the awareness by law enforcement authorities of the danger it posed to the Nation.(*162*) In 1967, after having conducted a lengthy examination of organized crime in the United States, the President's Crime Commission offered another description of the power and influence of the American underworld in the 1960's:

> Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.(*163*)

An analysis by the committee revealed that the Kennedy administration brought about the strongest effort against organized crime that had ever been coordinated by the Federal Government.(*164*) John and Robert Kennedy brought to their respective positions as President and Attorney General an unprecedented familiarity with the threat of organized crime—and a commitment to prosecute its leaders—based on their service as member and chief counsel respectively of the McClellan Committee during its extensive investigation of labor racketeering in the late 1950's.(*165*) A review of the electronic surveillance conducted by the FBI from 1961 to 1964 demonstrated that members of La Cosa Nostra, as well as other organized crime figures, were quite cognizant of the stepped-up effort against them, and they placed responsibility for it directly upon President Kennedy and Attorney General Kennedy.(*166*)

During this period, the FBI had comprehensive electronic coverage of the major underworld figures, particularly those who comprised the commission.[8](*167*) The committee had access to and analyzed the product of this electronic coverage; it reviewed literally thousands of pages of electronic surveillance logs that revealed the innermost workings of organized crime in the United States.(*168*) The committee saw in stark terms a record of murder, violence, bribery, corruption, and an untold variety of other crimes.(*169*) Uniquely among congressional committees, and in contrast to the Warren Commission, the committee became familiar with the nature and scope of organized crime in the years before and after the Kennedy assassination, using as its evidence the words of the participants themselves.

An analysis of the work of the Justice Department before and after the tenure of Robert Kennedy as Attorney General also led to the conclusion that organized crime directly benefited substantially from the changes in Government policy that occurred after the assassination.(*170*) That organized crime had the motive, opportunity and means to kill the President cannot be questioned.(*171*) Whether it did so is another matter.

In its investigation of the decisionmaking process and dynamics of organized crime murders and intrasyndicate assassinations during the early 1960's. the committee noted the extraordinary web of insulation, secrecy, and complex machinations that frequently surrounded organized crime leaders who ordered such acts.(*172*) In testimony before the Senate on September 25, 1963, 2 months before his brother's assassination, Attorney General Kennedy spoke of the Government's continuing difficulty in solving murders carried out by organized crime elements, particularly those ordered by members of the La Cosa Nostra commission. Attorney General Kennedy testified that:

> * * * because the members of the Commission, the top members, or even their chief lieutenants, have insulated themselves from the crime itself, if they want to have somebody knocked off, for instance, the top man will speak to somebody who will speak to somebody else who will speak to somebody else and order it. The man who actually does the gun work, who might

[8] The ruling council of 9 to 12 Mafia leaders who collectively rule the national crime syndicate.

get paid $250, or $500, depending on how important it is, perhaps nothing at all, he does not know who ordered it. To trace that back is virtually impossible. (*173*)

The committee studied the Kennedy assassination in terms of the traditional forms of violence used by organized crime and the historic pattern of underworld slayings. While the murder of the President's accused assassin did in fact fit the traditional pattern—a shadowy man with demonstrable organized crime connections shoots down a crucial witness—the method of the President's assassination did not resemble the standard syndicate killing. (*174*) A person like Oswald—young, active in controversial political causes, apparently not subject to the internal discipline of a criminal organization—would appear to be the least likely candidate for the role of Mafia hit man, especially in such an important murder. Gunmen used in organized crime killings have traditionally been selected with utmost deliberation and care, the most important considerations being loyalty and a willingness to remain silent if apprehended. These are qualities best guaranteed by past participation in criminal activities. (*175*)

There are, however, other factors to be weighed in evaluating the method of possible operation in the assassination of President Kennedy. While the involvement of a gunman like Oswald does not readily suggest organized crime involvement, any underworld attempt to assassinate the President would in all likelihood have dictated the use of some kind of cover, a shielding or disguise. (*176*) The committee made the reasonable assumption that an assassination of a President by organized crime could not be allowed to appear to be what it was.

Traditional organized crime murders are generally committed through the use of killers who make no effort to hide the fact that organized crime was responsible for such murders or "hits." (*177*) While syndicate-authorized hits are usually executed in such a way that identification of the killers is not at all likely, the slayings are nonetheless committed in what is commonly referred to as the "gangland style." (*178*) Indeed, an intrinsic characteristic of the typical mob execution is that it serves as a self-apparent message, with the authorities and the public readily perceiving the nature of the crime as well as the general identity of the group or gang that carried it out. (*179*)

The execution of a political leader—most particularly a President—would hardly be a typical mob execution and might well necessitate a different method of operation. The overriding consideration in such an extraordinary crime would be the avoidance of any appearance of organized crime complicity. (*180*)

In its investigation, the committee noted three cases, for the purposes of illustration, in which the methodology employed by syndicate figures was designed to insulate and disguise the involvement of organized crime. (*181*) These did not fit the typical pattern of mob killings, as the assassination of a President would not. (*182*) While the atypical cases did not involve political leaders, two of the three were attacks on figures in the public eye. (*183*)

In the first case, the acid blinding of investigative reporter Victor Riesel in April 1956, organized crime figures in New York used a complex series of go-betweens to hire a petty thief and burglar to

commit the act.(*184*) Thus, the assailant did not know who had actually authorized the crime for which he had been recruited.(*185*) The use of such an individual was regarded as unprecedented, as he had not been associated with the syndicate, was a known drug user, and outwardly appeared to be unreliable.(*186*) Weeks later, Riesel's assailant was slain by individuals who had recruited him in the plot. (*187*)

The second case, the fatal shooting of a well-known businessman, Sol Landie, in Kansas City, Mo., on November 22, 1970, involved the recruitment, through several intermediaries, of four young Black men by members of the local La Cosa Nostra family.(*188*) Landie had served as a witness in a Federal investigation of gambling activities directed by Kansas City organized crime leader Nicholas Civella. The men recruited for the murder did not know who had ultimately ordered the killing, were not part of the Kansas City syndicate, and had received instructions through intermediaries to make it appear that robbery was the motive for the murder.(*189*) All of the assailants and two of the intermediaries were ultimately convicted.

The third case, the shooting of New York underworld leader Joseph Columbo before a crowd of 65,000 people in June 1971, was carried out by a young Black man with a petty criminal record, a nondescript loner who appeared to be alien to the organized crime group that had recruited him through various go-betweens.(*190*) The gunman was shot to death immediately after the shooting of Columbo, a murder still designated as unsolved. (*191*) (Seriously wounded by a shot to the head, Columbo lingered for years in a semiconscious state before he died in 1978.)

The committee found that these three cases, each of which is an exception to the general rule of organized crime executions, had identifiable similarities.(*192*) Each case was solved, in that the identity of the perpetrator of the immediate act became known.(*193*) In two of the cases, the assailant was himself murdered soon after the crime.(*194*) In each case, the person who wanted the crime accomplished recruited the person or persons who made the attack through more than one intermediary.(*195*) In each case, the person suspected of inspiring the violence was a member of, or connected to, La Cosa Nostra.(*196*) In each case, the person or persons hired were not professional killers, and they were not part of organized criminal groups.(*197*) In each case, the persons recruited to carry out the acts could be characterized as dupes or tools who were being used in a conspiracy they were not fully aware of.(*198*) In each case, the intent was to insulate the organized crime connection, with a particular requirement for disguising the true identity of the conspirators, and to place the blame on generally nondescript individuals.(*199*) These exceptions to the general rule of organized crime violence made it impossible for the committee to preclude, on the basis of an analysis of the method of the assassination, that President Kennedy was killed by elements of organized crime.(*200*)

In its investigation into the possibility that organized crime elements were involved in the President's murder, the committee examined various internal and external factors that bear on whether organized crime leaders would have considered, planned and executed an assas-

sination conspiracy.(*201*) The committee examined the decisionmaking process that would have been involved in such a conspiracy, and two primary propositions emerged.(*202*) The first related to whether the national crime syndicate would have authorized and formulated a conspiracy with the formal consent of the commission, the ruling council of Mafia leaders.(*203*) The second related to whether an individual organized crime leader, or possibly a small combination of leaders, might have conspired to assassinate the President through unilateral action, that is, without the involvement of the leadership of the national syndicate.(*204*)

The most significant evidence that organized crime as an institution or group was not involved in the assassination of President Kennedy was contained in the electronic surveillance of syndicate leaders conducted by the FBI in the early 1960's.(*205*) As the President's Crime Commission noted in 1967, and as this committee found through its review of the FBI surveillance, there was a distinct hierarchy and structure to organized crime.(*206*) Decisions of national importance were generally made by the national commission, or at least they depended on the approval of the commission members.(*207*) In 1963, the following syndicate leaders served as members of the commission: Vito Genovese, Joseph Bonanno, Carlo Gambino, and Thomas Lucchese of New York City; Stefano Magaddino of Buffalo; Sam Giancana of Chicago; Joseph Zerilli of Detroit; Angelo Bruno of Philadelphia and Raymond Patriarca of Providence. (*208*) The committee's review of the surveillance transcripts and logs, detailing the private conversations of the commission members and their associates, revealed that there were extensive and heated discussions about the serious difficulties the Kennedy administration's crackdown on organized crime was causing.(*209*)

The bitterness and anger with which organized crime leaders viewed the Kennedy administration are readily apparent in the electronic surveillance transcripts, with such remarks being repeatedly made by commission members Genovese, Giancana, Bruno, Zerilli, Patriarca and Magaddino.(*210*) In one such conversation in May 1962, a New York Mafia member noted the intense Federal pressure upon the mob, and remarked, "Bob Kennedy won't stop today until he puts us all in jail all over the country. Until the commission meets and puts its foot down, things will be at a standstill."(*211*) Into 1963, the pressure was continuing to mount, as evidenced by a conversation in which commission member Magaddino bitterly cursed Attorney General Kennedy and commented on the Justice Department's increasing knowledge of the crime syndicate's inner workings, stating, "They know everything under the sun. They know who's back of it—they know there is a commission. We got to watch right now—and stay as quiet as possible."(*212*)

While the committee's examination of the electronic surveillance program revealed no shortage of such conversations during that period, the committee found no evidence in the conversations of the formulation of any specific plan to assassinate the President.(*213*) Nevertheless, that organized crime figures did discuss possible violent courses of action against either the President or his brother, Attorney Gen-

eral Robert F. Kennedy—as well as the possible repercussions of such action—can be starkly seen in the transcripts.(*214*)

One such discussion bears quoting at length. It is a conversation between commission member Angelo Bruno of Philadelphia and an associate, Willie Weisburg, on February 8, 1962.(*215*) In the discussion, in response to Weisburg's heated suggestion that Attorney General Kennedy should be murdered, Bruno cautioned that Kennedy might be followed by an even worse Attorney General:

> WEISBURG. See what Kennedy done. With Kennedy, a guy should take a knife, like all them other guys, and stab and kill the [obsenity], where he is now. Somebody should kill the [obscenity], I mean it. This is true. Honest to God. It's about time to go. But I tell you something. I hope I get a week's notice, I'll kill. Right in the [obscenity] in the White House. Somebody's got to get rid of this [obscenity].
>
> BRUNO. Look, Willie, do you see there was a king, do you understand. And he found out that everybody was saying that he was a bad king. This is an old Italian story. So, he figured. Let me go talk to the old woman. She knows everything. So he went to the old wise woman. So he says to her: "I came here because I want your opinion." He says: "Do you think I'm a bad king?" She says: "No, I think you are a good king." He says: "Well how come everybody says I'm a bad king?" She says: "Because they are stupid. They don't know." He says: "Well how come, why do you say I'm a good king?" "Well," she said, "I knew your great grandfather. He was a bad king. I knew your grandfather. He was worse. I knew your father. He was worse than them. You, you are worse than them, but your son, if you die, your son is going to be worse than you. So its better to be with you." [All laugh.] So Brownell—former Attorney General—was bad. He was no [obscenity] good. He was this and that.
>
> WEISBURG. Do you know what this man is going to do? He ain't going to leave nobody alone.
>
> BRUNO. I know he ain't. But you see, everybody in there was bad. The other guy was good because the other guy was worse. Do you understand? Brownell came. He was no good. He was worse than the guy before.
>
> WEISBURG. Not like this one.
>
> BRUNO. Not like this one. This one is worse. Right? If something happens to this guy * * * [laughs].(*216*)

While Angelo Bruno had hoped to wait out his troubles, believing that things might get better for him as time went by, such was not to be the case during the Kennedy administration. The electronic surveillance transcripts disclosed that by mid 1963, Bruno was privately making plans to shut down his syndicate operations and leave America, an unprecedented response by a commission member to Federal law enforcement pressure.(*217*)

Another member of the mob commission, Stefano Magaddino, voiced similar anger toward the President during that same period.(*218*) In October 1963, in response to a Mafia family member's

remark that President Kennedy "should drop dead," Magaddino exploded, "They should kill the whole family, the mother and father too. When he talks he talks like a mad dog, he says, my brother the Attorney General."(*219*)

The committee concluded that had the national crime syndicate, as a group, been involved in a conspiracy to kill the President, some trace of the plot would have been picked up by the FBI surveillance of the commission.(*220*) Consequently, finding no evidence in the electronic surveillance transcripts of a specific intention or actual plan by commission members to have the President assassinated, the committee believed it was unlikely that it existed. The electronic surveillance transcripts included extensive conversations during secret meetings of various syndicate leaders, set forth many of their most closely guarded thoughts and actions, and detailed their involvement in a variety of other criminal acts, including murder.(*221*) Given the far-reaching possible consequences of an assassination plot by the commission, the committee found that such a conspiracy would have been the subject of serious discussion by members of the commission, and that no matter how guarded such discussions might have been, some trace of them would have emerged from the surveillance coverage.(*222*) It was possible to conclude, therefore, that it is unlikely that the national crime syndicate as a group, acting under the leadership of the commission, participated in the assassination of President Kennedy.(*223*)

While there was an absence of evidence in the electronic surveillance materials of commission participation in the President's murder, there was no shortage of evidence of the elation and relief of various commission members over his death.(*224*) The surveillance transcripts contain numerous crude and obscene comments by organized crime leaders, their lieutenants, associates and families regarding the assassination of President Kennedy.(*225*) The transcripts also reveal an awareness by some mob leaders that the authorities might be watching their reactions.(*226*) On November 25, 1963, in response to a lieutenant's remark that Oswald "was an anarchist * * * a Marxist Communist," Giancana exclaimed, "He was a marksman who knew how to shoot."(*227*) On November 29, 1963, Magaddino cautioned his associates not to joke openly about the President's murder, stating, "You can be sure that the police spies will be watching carefully to see what we think and say about this."(*228*) Several weeks later, during a discussion between Bruno and his lieutenants, one participant remarked of the late President, "It is too bad his brother Bobby was not in that car too."(*229*)

While the committee found it unlikely that the national crime syndicate was involved in the assassination, it recognized the possibility that a particular organized crime leader or a small combination of leaders, acting unilaterally, might have formulated an assassination conspiracy without the consent of the commission.(*230*)

In its investigation of the national crime syndicate, the committee noted factors that could have led an organized crime leader who was considering an assassination to withold it from the national commission.(*231*) The committee's analysis of the national commission disclosed that it was splintered by dissension and enmity in 1963. Rivalry between two blocks of syndicate families had resulted in a partial paralysis of the commission's functions.(*232*)

One significant reason for the disarray was, of course, the pressure being exerted by Federal law enforcement agencies.(*233*) In the fall of 1963, Attorney General Kennedy noted,

> * * * in the past 2 years, at least three carefully planned commission meetings had to be called off because the leaders learned that we had uncovered their well-concealed plans and meeting places.

The Government's effort got an unprecedented boost from the willingness of Joseph Valachi, a member of the "family" of commission member Vito Genovese of New York, to testify about the internal structure and activities of the crime syndicate, a development described by Attorney General Kennedy as "the greatest intelligence breakthrough" in the history of the Federal program against organized crime.(*234*) While it was not until August 1963 that Valachi's identity as a Federal witness became public, the surveillance transcripts disclose that syndicate leaders were aware as early as the spring of 1963 that Valachi was cooperating with the Justice Department.(*235*) The transcripts disclose that the discovery that Valachi had become a Federal informant aroused widespread suspicion and fear over the possibility of other leaks and informants within the upper echelons of the syndicate.(*236*) The televised Senate testimony by Valachi led to considerable doubt by syndicate leaders in other parts of the country as to the security of commission proceedings, with Genovese rapidly losing influence as a result of Valachi's actions.(*237*)

The greatest source of internal disruption within the commission related to the discovery in early 1963 of a secret plan by commission member Joseph Bonanno to assassinate fellow members Carlo Gambino and Thomas Lucchese.(*238*) Bonanno's assassination plan, aimed at an eventual takeover of the commission leadership, was discovered after one of the gunmen Bonanno had enlisted, Joseph Columbo, informed on him to the commission.(*239*) The Bonanno conspiracy, an unheard-of violation of commission rules, led to a long series of acrimonious deliberations that lasted until early 1964.(*240*) Bonanno refused to submit to the judgment of the commission, and his colleagues were sharply divided over how to deal with his betrayal, Gambino recommending that Bonanno be handled with caution, and Giancana urging that he be murdered.(*241*)

The committee concluded, based on the state of disruption within the commission and the questions that had arisen as to the sanctity of commission proceedings, that an individual organized crime leader who was planning an assassination conspiracy against President Kennedy might well have avoided making the plan known to the commission or seeking approval for it from commission members.(*242*) Such a course of unilateral action seemed to the committee to have been particularly possible in the case of powerful organized crime leaders who were well established, with firm control over their jurisdictions.(*243*)

The committee noted a significant precedent for such a unilateral course of action. In 1957, Vito Genovese engineered the assassination of Albert Anastasia, then perhaps the most feared Mafia boss in the country.(*244*) Six months earlier, Genovese's men had shot and wounded Frank Costello, who once was regarded as the single most influential

organized crime leader.(*245*) Both the Anastasia assassination and the Costello assault were carried out without the knowledge or consent of the national commission.(*246*) Genovese did, however, obtain approval for the crimes after the fact.(*247*) It was an extraordinary sequence of events that Attorney General Kennedy noted in September 1963, when he stated that Genovese "* * * wanted Commission approval for these acts—which he has received." The Genovese plot against Anastasia and Costello and the ex post facto commission approval were integral events in the rise to dominance of organized crime figures for the years that followed. It directly led to the assemblage of national syndicate leaders at the Apalachin conference 3 weeks after the Anastasia murder, and to the rise of Carlo Gambino to a position of preeminence in La Costa Nostra.(*248*)

(5) *Analysis of the 1963–64 investigation.*—In its investigation, the committee learned that fears of the possibility that organized crime was behind the assassination were more common among Government officials at the time than has been generally recognized. Both Attorney General Kennedy and President Johnson privately voiced suspicion about underworld complicity.(*249*) The Attorney General requested that any relevant information be forwarded directly to him, and there was expectation at the time that the recently created Warren Commission would actively investigate the possibility of underworld involvement.(*250*)

The committee found, however, that the Warren Commission conducted only a limited pursuit of the possibility of organized crime complicity.(*251*) As has been noted, moreover, the Warren Commission's interest in organized crime was directed exclusively at Jack Ruby, and it did not involve any investigation of the national crime syndicate in general, or individual leaders in particular.(*252*) This was confirmed to the committee by J. Lee Rankin, the Commission's general counsel, and by Burt W. Griffin, the staff counsel who conducted the Ruby investigation.(*253*) Griffin testified before the committee that "* * * the possibility that someone associated with the underworld would have wanted to assassinate the President * * * [was] not seriously explored" by the Warren Commission.(*254*)

The committee similarly learned from testimony and documentation that the FBI's investigation of the President's assassination was also severely limited in the area of possible organized crime involvement. While the committee found that the Bureau was uniquely equipped, with the Special Investigative Division having been formed 2 years earlier specifically to investigate organized crime, the specialists and agents of that Division did not play a significant role in the assassination investigation.(*255*) Former Assistant FBI Director Courtney Evans, who headed the Special Investigative Division, told the committee that the officials who directed the investigation never consulted him or asked for any participation by his Division.(*256*) Evans recalled, "I know they sure didn't come to me. We had no part in that that I can recall."(*257*) Al Staffeld, a former FBI official who supervised the day-to-day operations of the Special Investigative Division, told the committee that if the FBI's organized crime specialists had been asked to participate, "We would have gone at it in every damn way possible."(*258*)

Ironically, the Bureau's own electronic surveillance transcripts revealed to the committee a conversation between Sam Giancana and a lieutenant, Charles English, regarding the FBI's role in investigating President Kennedy's assassination.(*259*) In the December 3, 1963 conversation, English told Giancana: "I will tell you something, in another 2 months from now, the FBI will be like it was 5 years ago. They won't be around no more. They say the FBI will get it (the investigation of the President's assassination). They're gonna start running down Fair Play for Cuba, Fair Play for Matsu. They call that more detrimental to the country than us guys."(*260*)

The committee found that the quality and scope of the investigation into the possibility of an organized crime conspiracy in the President's assassination by the Warren Commission and the FBI was not sufficient to uncover one had it existed. The committee also found that it was possible, based on an analysis of motive, means and opportunity, that an individual organized crime leader, or a small combination of leaders, might have participated in a conspiracy to assassinate President Kennedy. The committee's extensive investigation led it to conclude that the most likely family bosses of organized crime to have participated in such a unilateral assassination plan were Carlos Marcello and Santos Trafficante.(*261*) While other family bosses on the commission were subjected to considerable coverage in the electronic surveillance program, such coverage was never applied to Marcello and almost never to Trafficante.(*262*)

(6) *Carlos Marcello.*—The commitee found that Marcello had the motive, means and opportunity to have President John F. Kennedy assassinated,(*263*) though it was unable to establish direct evidence of Marcello's complicity.

In its investigation of Marcello, the committee identified the presence of one critical evidentiary element that was lacking with the other organized crime figures examined by the committee: credible associations relating both Lee Harvey Oswald and Jack Ruby to figures having a relationship, albeit tenuous, with Marcello's crime family or organization.(*264*) At the same time, the committee explicitly cautioned: association is the first step in conspiracy; it is not identical to it, and while associations may legitimately give rise to suspicions, a careful distinction must always be drawn between suspicions suspected and facts found.

As the long-time La Cosa Nostra leader in an area that is based in New Orleans but extends throughout Louisiana and Texas, Marcello was one of the prime targets of Justice Department efforts during the Kennedy administration.(*265*) He had, in fact, been temporarily removed from the country for a time in 1961 through deportation proceedings personally expedited by Attorney General Kennedy.(*266*) In his appearance before the committee in executive session, Marcello exhibited an intense dislike for Robert Kennedy because of these actions, claiming that he had been illegally "kidnaped" by Government agents during the deportation.(*267*)

While the Warren Commission devoted extensive attention to Oswald's background and activities, the committee uncovered significant details of his exposure to and contacts with figures associated

with the underworld of New Orleans that apparently had escaped the Commission.(*268*) One such relationship actually extended into Oswald's own family through his uncle, Charles "Dutz" Murret, a minor underworld gambling figure.(*269*) The committee discovered that Murret, who served as a surrogate father of sorts throughout much of Oswald's life in New Orleans, was in the 1940's and 1950's and possibly until his death in 1964 an associate of significant organized crime figures affiliated with the Marcello organization.(*270*)

The committee established that Oswald was familiar with his uncle's underworld activities and had discussed them with his wife, Marina, in 1963.(*271*) Additionally, the committee found that Oswald's mother, Marguerite Oswald, was acquainted with several men associated with lieutenants in the Marcello organization. One such acquaintance, who was also an associate of Dutz Murret, reportedly served as a personal aide or driver to Marcello at one time.(*272*) In another instance, the committee found that an individual connected to Dutz Murret, the person who arranged bail for Oswald following his arrest in August 1963 for a street disturbance, was an associate of two of Marcello's syndicate deputies. (One of the two, Nofio Pecora, as noted, also received a telephone call from Ruby on October 30, 1963, according to the committee's computer analysis of Ruby's phone records.)(*273*)

During the course of its investigation, the committee developed several areas of credible evidence and testimony indicating a possible association in New Orleans and elsewhere between Lee Harvey Oswald and David W. Ferrie, a private investigator and even, perhaps, a pilot for Marcello before and during 1963.(*274*) From the evidence available to the committee, the nature of the Oswald-Ferrie association remained largely a mystery. The committee established that Oswald and Ferrie apparently first came into contact with each other during Oswald's participation as a teenager in a Civil Air Patrol unit for which Ferrie served as an instructor, although Ferrie, when he was interviewed by the FBI after his detainment as a suspect in the assassination,(*275*) denied any past association with Oswald.

In interviews following the assassination, Ferrie stated that he may have spoken in an offhand manner of the desirability of having President Kennedy shot, but he denied wanting such a deed actually to be done.(*276*) Ferrie also admitted his association with Marcello and stated that he had been in personal contact with the syndicate leader in the fall of 1963. He noted that on the morning of the day of the President's death he was present with Marcello at a courthouse in New Orleans.(*277*) In his executive session testimony before the committee, Marcello acknowledged that Ferrie did work for his lawyer, G. Wray Gill, on his case, but Marcello denied that Ferrie worked for him or that their relationship was close.(*278*) Ferrie died in 1967 of a ruptured blood vessel at the base of the brain, shortly after he was named in the assassination investigation of New Orleans District Attorney Jim Garrison.

The committee also confirmed that the address, 544 Camp Street, that Oswald had printed on some Fair Play for Cuba Committee handouts in New Orleans, was the address of a small office building

where Ferrie was working on at least a part-time basis in 1963.(*279*) The Warren Commission stated in its report that despite the Commission's probe into why Oswald used this return address on his literature, "investigation has indicated that neither the Fair Play for Cuba Committee nor Lee Oswald ever maintained an office at that address."(*280*)

The committee also established associations between Jack Ruby and several individuals affiliated with the underworld activities of Carlos Marcello.(*281*) Ruby was a personal acquaintance of Joseph Civello, the Marcello associate who allegedly headed organized crime activities in Dallas; he also knew other individuals who have been linked with organized crime, including a New Orleans nightclub figure, Harold Tannenbaum, with whom Ruby was considering going into partnership in the fall of 1963.(*282*)[9]

The committee examined a widely circulated published account that Marcello made some kind of threat on the life of President Kennedy in September 1962 at a meeting at his Churchill Farms estate outside New Orleans.(*284*) It was alleged that Marcello shouted an old Sicilian threat, "Livarsi na petra di la scarpa!" "Take the stone out of my shoe!" against the Kennedy brothers, stating that the President was going to be assassinated. He spoke of using a "nut" to carry out the murder.(*285*)

The committee established the origin of the story and identified the informant who claimed to have been present at the meeting during which Marcello made the threat.(*286*) The committee also learned that even though the FBI was aware of the informant's allegations over a year and half before they were published in 1969, and possessed additional information indicating that the informant may in fact have met with Marcello in the fall of 1962, a substantive investigation of the information was never conducted.(*287*) Director Hoover and other senior FBI officials were aware that FBI agents were initiating action to "discredit" the informant, without having conducted a significant investigation of his allegations.(*288*) Further, the committee discovered that the originating office relied on derogatory information from a prominent underworld figure in the ongoing effort to discredit the informant.(*289*) An internal memorandum to Hoover noted that another FBI source was taking action to discredit the informant, "in order that the Carlos Marcello incident would be deleted from the book" that first recounted the information.(*290*)

The committee determined that the informant who gave the account of the Marcello threat was in fact associated with various underworld figures, including at least one person well-acquainted with the Marcello organization.(*291*) The committee noted, however, that as a consequence of his underworld involvement, the informant had a questionable reputation for honesty and may not be a credible source of information.(*292*)

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[9] Law enforcement files have long contained information suggesting that Joseph Campisi, a restaurant owner in Dallas, occupied a position in organized crime. The committee's investigation did not confirm or refute the allegation, but it did establish that Ruby visited Campisi's restaurant on the evening of November 21 and that Ruby was visited in jail after the shooting of Oswald by Campisi and his wife. Further, Campisi acknowledged a longstanding business and personal relationship with Marcello. (*283*)

The committee noted further that it is unlikely that an organized crime leader personally involved in an assassination plot would discuss it with anyone other than his closest lieutenants, although he might be willing to discuss it more freely prior to a serious decision to undertake such an act. In his executive session appearance before the committee, Marcello categorically denied any involvement in organized crime or the assassination of President Kennedy. Marcello also denied ever making any kind of threat against the President's life. (*293*)

As noted, Marcello was never the subject of electronic surveillance coverage by the FBI. The committee found that the Bureau did make two attempts to effect such surveillance during the early 1960's, but both attempts were unsuccessful. (*294*) Marcello's sophisticated security system and close-knit organizational structure may have been a factor in preventing such surveillance.[10] A former FBI official knowledgeable about the surveillance program told the committee, "That was our biggest gap * * *. With Marcello, you've got the one big exception in our work back then. There was just no way of penetrating that area. He was too smart." (*296*)

Any evaluation of Marcello's possible role in the assassination must take into consideration his unique stature within La Cosa Nostra. The FBI determined in the 1960's that because of Marcello's position as head of the New Orleans Mafia family (the oldest in the United States, having first entered the country in the 1880's), the Louisiana organized crime leader had been endowed with special powers and privileges not accorded to any other La Cosa Nostra members. (*297*) As the leader of "the first family" of the Mafia in America, according to FBI information, Marcello has been the recipient of the extraordinary privilege of conducting syndicate operations without having to seek the approval of the national commission. (*298*)

Finally, a caveat, Marcello's uniquely successful carreer in organized crime has been based to a large extent on a policy of prudence; he is not reckless. As with the case of the Soviet and Cuban Governments, a risk analysis indicated that he would be unlikely to undertake so dangerous a course of action as a Presidential assassination. Considering that record of prudence, and in the absence of direct evidence of involvement, it may be said that it is unlikely that Marcello was in fact involved in the assassination of the President. On the basis of the evidence available to it, and in the context of its duty to be cautious in its evaluation of the evidence, there is no other conclusion that the committee could reach. On the other hand, the evidence that he had the motive and the evidence of links through associates to both Oswald and Ruby, coupled with the failure of the 1963–64 investigation to explore adequately possible conspiratorial activity in the assassination, precluded a judgment by the committee that Marcello and his associates were not involved.

(7) *Santos Trafficante.*—The committee also concentrated its attention on Santos Trafficante, the La Cosa Nostra leader in Florida. The

[10] In addition Marcello was considered by his FBI case agent to be a legitimate businessman, which may account for the fact that the case agent was less than enthusiastic about pressing an investigation of the Louisiana Mafia leader. (*295*)

committee found that Trafficante, like Marcello, had the motive, means, and opportunity to assassinate President Kennedy. (*299*)

Trafficante was a key subject of the Justice Department crackdown on organized crime during the Kennedy administration, with his name being added to a list of the top 10 syndicate leaders targeted for investigation. (*300*) Ironically, Attorney General Kennedy's strong interest in having Trafficante prosecuted occurred during the same period in which CIA officials, unbeknown to the Attorney General, were using Trafficante's services in assassination plots against the Cuban chief of state, Fidel Castro. (*301*)

The committee found that Santos Trafficante's stature in the national syndicate of organized crime, notably the violent narcotics trade, and his role as the mob's chief liaison to criminal figures within the Cuban exile community, provided him with the capability of formulating an assassination conspiracy against President Kennedy. Trafficante had recruited Cuban nationals to help plan and execute the CIA's assignment to assassinate Castro. (The CIA gave the assignment to former FBI Agent Robert Maheu, who passed the contract along to Mafia figures Sam Giancana and John Roselli. They, in turn, enlisted Trafficante to have the intended assassination carried out.) (*302*)

In his testimony before the committee, Trafficante admitted participating in the unsuccessful CIA conspiracy to assassinate Castro, an admission indicating his willingness to participate in political murder. (*303*) Trafficante testified that he worked with the CIA out of a patriotic feeling for his country, an explanation the committee did not accept, at least not as his sole motivation. (*304*)

As noted, the committee established a possible connection between Trafficante and Jack Ruby in Cuba in 1959. (*305*) It determined there had been a close friendship between Ruby and Lewis McWillie, who, as a Havana gambler, worked in an area subject to the control of the Trafficante Mafia family. (*306*) Further, it assembled documentary evidence that Ruby made at least two, if not three or more, trips to Havana in 1959 when McWillie was involved in underworld gambling operations there. (*307*) Ruby may in fact have been serving as a courier for underworld gambling interests in Havana, probably for the purpose of transporting funds to a bank in Miami. (*308*)

The committee also found that Ruby had been connected with other Trafficante associates—R. D. Matthews, Jack Todd, and James Dolan—all of Dallas. (*309*)

Finally, the committee developed corroborating evidence that Ruby may have met with Trafficante at Trescornia prison in Cuba during one of his visits to Havana in 1959, as the CIA had learned but had discounted in 1964. (*310*) While the committee was not able to determine the purpose of the meeting, there was considerable evidence that it did take place. (*311*)

During the course of its investigation of Santos Trafficante, the committee examined an allegation that Trafficante had told a prominent Cuban exile, José Aleman, that President Kennedy was going to be assassinated. (*312*) According to Aleman, Trafficante made the statement in a private conversation with him that took place sometime in September 1962. (*313*) In an account of the alleged conversation pub-

lished by the Washington Post in 1976, Aleman was quoted as stating that Trafficante had told him that President Kennedy was "going to be hit."(*314*) Aleman further stated, however, that it was his impression that Trafficante was not the specific individual who was allegedly planning the murder.(*315*) Aleman was quoted as having noted that Trafficante had spoken of Teamsters Union President James Hoffa during the same conversation, indicating that the President would "get what is coming to him" as a result of his administration's intense efforts to prosecute Hoffa.(*316*)

During an interview with the committee in March 1977, Aleman provided further details of his alleged discussion with Trafficante in September 1962.(*317*) Aleman stated that during the course of the discussion, Trafficante had made clear to him that he was not guessing that the President was going to be killed. Rather he did in fact know that such a crime was being planned.(*318*) In his committee interview, Aleman further stated that Trafficante had given him the distinct impression that Hoffa was to be principally involved in planning the Presidential murder.(*319*)

In September 1978, prior to his appearance before the committee in public session. Aleman reaffirmed his earlier account of the alleged September 1962 meeting with Trafficante. Nevertheless, shortly before his appearance in public session, Aleman informed the committee staff that he feared for his physical safety and was afraid of possible reprisal from Trafficante or his organization. In this tetimony, Aleman changed his professed understanding of Trafficant's comments. Aleman repeated under oath that Trafficante had said Kennedy was "going to be hit," but he then stated it was his impression that Trafficante may have only meant the President was going to be hit by "a lot of Republican votes" in the 1964 election, not that he was going to be assassinated.(*320*)

Appearing before the committee in public session on September 28, 1978, Trafficante categorically denied ever having discussed any plan to assassinate President Kennedy.(*321*) Trafficante denied any foreknowledge of or participation in the President's murder. (*322*) While stating that he did in fact know Aleman and that he had met with him on more than one occasion in 1962, Trafficante denied Aleman's account of their alleged conversation about President Kennedy. and he denied ever having made a threatening remark against the President.(*323*)

The committee found it difficult to understand how Aleman could have misunderstood Trafficante during such a conversation, or why he would have fabricated such an account. Aleman appeared to be a reputable person, who did not seek to publicize his allegations, and he was well aware of the potential danger of making such allegations against a leader of La Costa Nostra. The committee noted, however, that Aleman's prior allegations and testimony before the committee had made him understandably fearful for his life.

The committee also did not fully understand why Aleman waited so many years before publicly disclosing the alleged incident. While he stated in 1976 that he had reported Trafficante's alleged remarks about the President to FBI agents in 1962 and 1963, the committee's review

of Bureau reports on his contacts with FBI agents did not reveal a record of any such disclosure or comments at the time.(*324*) Additionally, the FBI agent who served as Aleman's contact during that period denied ever being told such information by Aleman.

Further, the committee found it difficult to comprehend why Trafficante, if he was planning or had personal knowledge of an assassination plot, would have revealed or hinted at such a sensitive matter to Aleman. It is possible that Trafficante may have been expressing a personal opinion, "The President ought to be hit," but it is unlikely in the context of their relationship that Trafficante would have revealed to Aleman the existence of a current plot to kill the President. As previously noted with respect to Carlos Marcello, to have attained his stature as the recognized organized crime leader of Florida for a number of years. Trafficante necessarily had to operate in a characteristically calculating and discreet manner. The relationship between Trafficante and Aleman, a business acquaintance, does not seem to have been close enough for Trafficante to have mentioned or alluded to such a murder plot. The committee thus doubted that Trafficante would have inadvertently mentioned such a plot. In sum, the committee believed there were substantial factors that called into question the validity of Aleman's account.

Nonetheless, as the electronic surveillance transcripts of Angelo Bruno, Stefano Magaddino and other top organized crime leaders make clear, there were in fact various underworld conversations in which the desirability of having the President assassinated was discussed.(*325*) There were private conversations in which assassination was mentioned, although not in a context that indicated such a crime had been specifically planned.(*326*) With this in mind, and in the absence of additional evidence with which to evaluate the Aleman account of Trafficante's alleged 1962 remarks, the committee concluded that the conversation, if it did occur as Aleman testified, probably occurred in such a circumscribed context.

As noted earlier, the committee's examination of the FBI's electronic surveillance program of the early 1960's disclosed that Santos Trafficante was the subject of minimal, in fact almost nonexistent, surveillance coverage.(*327*) During one conversation in 1963, overheard in a Miami restaurant, Trafficante had bitterly attacked the Kennedy administration's efforts against organized crime, making obscene comments about "Kennedy's right-hand man" who had recently coordinated various raids on Trafficante gambling establishments.(*328*) In the conversation, Trafficante stated that he was under immense pressure from Federal investigators, commenting, "I know when I'm beat, you understand?"(*329*) Nevertheless, it was not possible to draw conclusions about Trafficante's actions based on the electronic surveillance program since the coverage was so limited. Finally, as with Marcello, the committee noted that Trafficante's cautious character is inconsistent with his taking the risk of being involved in an assassination plot against the President. The committee found, in the context of its duty to be cautious in its evaluation of the evidence, that it is unlikely that Trafficante plotted to kill the President, although it could not rule out the possibility of such participation on the basis of available evidence.

(8) *James R. Hoffa.*—During the course of its investigation, the committee also examined a number of areas of information and allegations pertaining to James R. Hoffa and his Teamsters Union and underworld associates. The long and close relationship between Hoffa and powerful leaders of organized crime, his intense dislike of John and Robert Kennedy dating back to their role in the McClellan Senate investigation, together with his other criminal activities, led the committee to conclude that the former Teamsters Union president had the motive, means and opportunity for planning an assassination attempt upon the life of President John F. Kennedy.

The committee found that Hoffa and at least one of his Teamster lieutenants, Edward Partin, apparently did, in fact, discuss the planning of an assassination conspiracy against President Kennedy's brother, Attorney General Robert F. Kennedy, in July or August of 1962.(*330*) Hoffa's discussion about such an assassination plan first became known to the Federal Government in September 1962, when Partin informed authorities that he had recently participated in such a discussion with the Teamsters president.(*331*)

In October 1962, acting under the orders of Attorney General Kennedy, FBI Director Hoover authorized a detailed polygraph examination of Partin.(*332*) In the examination, the Bureau concluded that Partin had been truthful in recounting Hoffa's discussion of a proposed assassination plan.(*333*) Subsequently, the Justice Department developed further evidence supporting Partin's disclosures, indicating that Hoffa had spoken about the possibility of assassinating the President's brother on more than one occasion.(*334*)

In an interview with the committee, Partin reaffirmed the account of Hoffa's discussion of a possible assassination plan, and he stated that Hoffa had believed that having the Attorney General murdered would be the most effective way of ending the Federal Government's intense investigation of the Teamsters and organized crime.(*335*) Partin further told the committee that he suspected that Hoffa may have approached him about the assassination proposal because Hoffa believed him to be close to various figures in Carlos Marcello's syndicate organization.(*336*) Partin, a Baton Rouge Teamsters official with a criminal record, was then a leading Teamsters Union official in Louisiana. Partin was also a key Federal witness against Hoffa in the 1964 trial that led to Hoffa's eventual imprisonment.(*337*)

While the committee did not uncover evidence that the proposed Hoffa assassination plan ever went beyond its discussion, the committee noted the similarities between the plan discussed by Hoffa in 1962 and the actual events of November 22, 1963. While the committee was aware of the apparent absence of any finalized method or plan during the course of Hoffa's discussion about assassinating Attorney General Kennedy, he did discuss the possible use of a lone gunman equipped with a rifle with a telescopic sight,(*338*) the advisability of having the assassination committed somewhere in the South,(*339*) as well as the potential desirability of having Robert Kennedy shot while riding in a convertible.(*340*) While the similarities are present, the committee also noted that they were not so unusual as to point ineluctably in a particular direction. President Kennedy himself, in fact, noted that he was vulnerable to rifle fire before his Dallas trip. Nevertheless, references

to Hoffa's discussion about having Kennedy assassinated while riding in a convertible were contained in several Justice Department memoranda received by the Attorney General and FBI Director Hoover in the fall of 1962.(*341*) Edward Partin told the committee that Hoffa believed that by having Kennedy shot as he rode in a convertible, the origin of the fatal shot or shots would be obscured.(*342*) The context of Hoffa's discussion with Partin about an assassination conspiracy further seemed to have been predicated upon the recruitment of an assassin without any identifiable connection to the Teamsters organization or Hoffa himself.(*343*) Hoffa also spoke of the alternative possibility of having the Attorney General assassinated through the use of some type of plastic explosives.(*344*)

The committee established that President Kennedy himself was notified of Hoffa's secret assassination discussion shortly after the Government learned of it. The personal journal of the late President's friend, Benjamin C. Bradlee, executive editor of the Washington Post, reflects that the President informed him in February 1963 of Hoffa's discussion about killing his brother.(*345*) Bradlee noted that President Kennedy mentioned that Hoffa had spoken of the desirability of having a silenced weapon used in such a plan. Bradlee noted that while he found such a Hoffa discussion hard to believe, "the President was obviously serious" about it.(*346*)

Partly as a result of their knowledge of Hoffa's discussion of assassination with Partin in 1962, various aides of the late President Kennedy voiced private suspicions about the possibility of Hoffa complicity in the President's assassination.(*347*) The committee learned that Attorney General Robert F. Kennedy and White House Chief of Staff Kenneth O'Donnell contacted several associates in the days immediately following the Dallas murder to discuss the possibility of Teamsters Union or organized crime involvement.(*348*)

As noted in the account of Ruby's telephone records, the committee confirmed the existence of several contacts between Ruby and associates of Hoffa during the period of October and November 1963.(*349*) including one Hoffa aide whom Robert Kennedy had once described as one of Hoffa's most violent lieutenants.(*350*) Those associates, Barney Baker, Irwin Weiner and Dusty Miller, stated that Ruby had been in touch with them for the sole purpose of seeking assistance in a nightclub labor dispute.(*351*)

The committee learned that Attorney General Kennedy and his aides arranged for the appointment of Charles Shaffer, a Justice Department attorney, to the Warren Commission staff in order that the possibility of Teamster involvement be watched. Shaffer confirmed to the committee that looking into Hoffa was one purpose of his appointment.(*352*)

Yet, partly as a result of the Commission's highly circumscribed approach to investigating possible underworld involvement, as well as limited staff resources, certain areas of possible information relating to Hoffa—such as the Ruby telephone calls—were not the subject of in-depth investigation.(*353*) Nevertheless, in a lengthy Commission memorandum prepared for the CIA in February 1964, the Teamsters Union had been listed first on a list of potential groups to be investigated in probing "ties between Ruby and others who might have been interested in the assassination of President Kennedy."(*354*)

During the course of its investigation, the committee noted the existence of other past relationships between Ruby and associates of Hoffa, apart from those disclosed by a review of the Ruby phone records. Two such figures were Paul Dorfman, the Chicago underworld figure who was instrumental in Hoffa's rise to power in the labor movement, and David Yaras, the reputed organized crime executioner whose relationship to Ruby dated back to their early days in Chicago. (*355*)

The committee also confirmed that another Teamsters official, Frank Chavez, had spoken to Hoffa about murdering Robert Kennedy in early 1967, shortly before Hoffa went to Federal prison. (*356*) During that incident, Hoffa reportedly sharply rebuked his aide, telling him that such a course of action was dangerous and should not be considered. (*357*)

In an interview with a newsman several weeks before his disappearance and presumed murder, Hoffa denied any involvement in the assassination of President Kennedy, and he disclaimed knowing anything about Jack Ruby or his motivations in the murder of Oswald. Hoffa also denied that he had ever discussed a plan to assassinate Robert Kennedy. (*358*)

As in the cases of Marcello and Trafficante, the committee stressed that it uncovered no direct evidence that Hoffa was involved in a plot on the President's life, much less the one that resulted in his death in Dallas in November 1963. In addition, and as opposed to the cases of Marcello and Trafficante, Hoffa was not a major leader of organized crime. Thus, his ability to guarantee that his associates would be killed if they turned Government informant may have been somewhat less assured. Indeed, much of the evidence tending to incriminate Hoffa was supplied by Edward Grady Partin, a Federal Government informant who was with Hoffa when the Teamster president was on trial in October 1962 in Tennessee for violating the Taft-Hartley Act.[11]

It may be strongly doubted, therefore, that Hoffa would have risked anything so dangerous as a plot against the President at a time that he knew he was under active investigation by the Department of Justice.[12]

Finally, a note on Hoffa's character. He was a man of strong emotions who hated the President and his brother, the Attorney General. He did not regret the President's death, and he said so publicly. Nevertheless, Hoffa was not a confirmed murderer, as were various organized crime leaders whose involvement the committee considered, and he cannot be placed in that category with them, even though he had extensive associations with them. Hoffa's associations with such organized crime leaders grew out of the nature of his union and the industry whose workers it represented. Organized crime and the violence of the labor movement were facts of life for Hoffa; they were part of the milieu in which he grew up and worked. But when he encountered the only specific plot against a Kennedy that came to the attention of the committee (the suggestion from Frank Chavez), he rejected it.

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[11] Hoffa was in fact facing charges of trying to bribe the jury in his 1962 trial in Tennessee on November 22, 1963. The case was scheduled to go to trial in January 1964. Hoffa was ultimately convicted and sentenced to a prison term. Partin was the Government's chief witness against him.

[12] The committee found no evidence to indicate that Hoffa was under electronic surveillance.

The committee concluded, therefore, that the balance of the evidence argued that it was improbable that Hoffa had anything to do with the death of the President.

(c) *Summary and analysis of the evidence*

The committee also believed it appropriate to reflect on the general question of the possible complicity of organized crime members, such as Trafficante or Marcello, in the Kennedy assassination, and to try to put the evidence it had obtained in proper perspective.

The significance of the organized crime associations developed by the committee's investigation speaks for itself, but there are limitations that must be noted. That President Kennedy's assassin and the man who, in turn, murdered him can be tied to individuals connected to organized crime is important for one reason: for organized crime to have been involved in the assassination, it must have had access to Oswald or Ruby or both.

The evidence that has been presented by the committee demonstrates that Oswald did, in fact, have organized crime associations. Who he was and where he lived could have come to the attention of those in organized crime who had the motive and means to kill the President. Similarly, there is abundant evidence that Ruby was knowledgeable about and known to organized crime elements. Nevertheless, the committee felt compelled to stress that knowledge or availability through association falls considerably short of the sort of evidence that would be necessary to establish criminal responsibility for a conspiracy in the assassination. It is also considerably short of what a responsible congressional committee ought to have before it points a finger in a legislative context.

It must also be asked if it is likely that Oswald was, in fact, used by an individual such as Marcello or Trafficante in an organized crime plot. Here, Oswald's character comes into play. As the committee noted, it is not likely that Oswald was a hired killer; it is likely that his principal motivation in the assassination was political. Further, his politics have been shown to have been generally leftwing, as demonstrated by such aspects of his life as his avowed support of Fidel Castro. Yet the organized crime figures who had the motive and means to murder the President must be generally characterized as rightwing and anti-Castro. Knitting these two contradictory strands together posed a difficult problem. Either the assassination of President Kennedy was essentially an apolitical act undertaken by Oswald with full or partial knowledge of who he was working for—which would be hard to believe—or Oswald's organized crime contacts deceived him about their true identity and motivation, or else organized crime was not involved.

From an organized crime member's standpoint, the use of an assassin with political leanings inconsistent with his own would have enhanced his insulation from identification with the crime. Nevertheless, it would have made the conspiracy a more difficult undertaking, which raises questions about the likelihood that such a conspiracy occurred. The more complicated a plot becomes, the less likely it will work. Those who rationally set out to kill a king, it may be argued, first design a plot that will work. The Oswald plot did in fact work, at

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least for 15 years, but one must ask whether it would have looked workable 15 years ago. Oswald was an unstable individual. Shortly before the assassination, for example, he delivered a possibly threatening note to the Dallas FBI office. With his background, he would have been an immediate suspect in an assassination in Dallas, and those in contact with him would have known that. Conspirators could not have been assured that Oswald or his companion would be killed in Dealey Plaza; they could not be sure that they could silence them. The plot, because of Oswald's involvement, would hardly have seemed to be a low risk undertaking.

The committee weighed other factors in its assessment of Oswald, his act and possible co-conspirators. It must be acknowleged that he did, in the end, exhibit a high degree of brutal proficiency in firing the shot that ended the President's life, and that, as an ex-marine, that proficiency may have been expected. In the final analysis, it must be admitted that he accomplished what he set out to do.

Further, while Oswald exhibited a leftist political stance for a number of years, his activities and associations were by no means exclusively leftwing. His close friendship with George de Mohrenschildt, an oilman in Dallas with rightwing connections, is a case in point. Additionally, questions have been raised about the specific nature of Oswald's pro-Castro activities. It has been established that on at least one occasion in 1963, he offered his services for clandestine paramilitary actions against the Castro regime, though, as has been suggested, he may have merely been posing as an anti-Castro activist. That the evidence points to the possibility that Oswald was also associated in 1963 with David Ferrie, the Marcello operative who was openly and actively anti-Castro, is troubling, too. Finally, the only Cuba-related activities that have ever been established at 544 Camp Street, New Orleans, the address of an office building that Oswald stamped on some of his Fair Play for Cuba Committee handouts, were virulently anti-Castro in nature.

Thus, the committee was unable to resolve its doubts about Lee Harvey Oswald. While the search for additional information in order to reach an understanding of Oswald's actions has continued for 15 years, and while the committee developed significant new details about his possible organized crime associations, particularly in New Orleans, the President's assassin himself remains not fully understood. The committee developed new information about Oswald and Ruby, thus altering previous perceptions, but the assassin and the man who murdered him still appear against a backdrop of unexplained, or at least not fully explained, occurrences, associations and motivations.

The scientific evidence available to the committee indicated that it is probable that more than one person was involved in the President's murder. That fact compels acceptance. And it demands a re-examination of all that was thought to be true in the past. Further, the committee's investigation of Oswald and Ruby showed a variety of relationships that may have matured into an assassination conspiracy. Neither Oswald nor Ruby turned out to be "loners," as they had been painted in the 1964 investigation. Nevertheless, the committee frankly acknowledged that it was unable firmly to identify the other gunman or the nature and extent of the conspiracy.

5. THE SECRET SERVICE, FEDERAL BUREAU OF INVESTIGATION, AND CENTRAL INTELLIGENCE AGENCY WERE NOT INVOLVED IN THE ASSASSINATION OF PRESIDENT KENNEDY

As the symbolic leader of the Nation, the President means many things to many people. His loss is keenly felt; it is a traumatic event. The President is also more than the symbolic leader of the Nation; in fact, he holds both political and military power, and his death is an occasion for its transfer. It was, therefore, understandable that in foreign and domestic speculation at the time of President Kennedy's assassination, there was a suggestion of complicity by agencies of the U.S. Government. This was one of the principal reasons for the Warren Commission's creation.

With the publication of the Commission's report, the question was quieted, if not completely stilled. Nevertheless, critics continued to imply that the Secret Service, the FBI or the CIA had somehow been involved in the tragedy in Dallas, and the Warren Commission itself came to be viewed by some as part of a Government effort to conceal the truth. With the revelation of the illegal domestic programs of the FBI and the foreign assassination plots of the CIA by the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities in 1976, speculation was rekindled that Government itself may have been involved in the President's death.

The committee carefully considered various charges of Government complicity and coverup. A major portion of its resources were devoted to examining a variety of allegations directed at the Secret Service, the FBI, and the CIA as well as the Warren Commission. As the investigation proceeded, the committee carefully sought evidence that Government agents had foreknowledge of an assassination, took advantage of it after the event, or afterwards covered up information relevant to ascertaining the truth. The committee made a conscientious effort, for example, to determine if the autopsy materials were authentic. Had they been tampered with, it would have raised the most serious of questions. The committee also carefully assessed the performance of the Secret Service in the planning and execution of the Dallas trip for signs that it may have actively sought to bring about the President's death. In addition, the committee carefully examined the relationship, if any, that Lee Harvey Oswald might have had with various governmental agencies, particularly the FBI and CIA. Over the years, there has been speculation that Oswald might have been an FBI informant or an agent of the CIA. However Oswald is seen—patsy or perpetrator—his relationship to the agencies of the Government was crucial to assessing the question of Government complicity. If he had had a relationship with one or more of the agencies, serious issues would be raised. If he had not, the question would be less pressing.

(a) The Secret Service

The committee's investigation of alleged Secret Service complicity in the assassination was primarily, although not exclusively, concerned with two questions. One, did the Secret Service facilitate the shooting by arranging a motorcade route that went through the heart of downtown Dallas and past the Texas School Book Depository? Two, did

any Secret Service personnel engage in conduct at the site of the assassination that might indicate complicity in the assassination? The committee's investigation involved extensive file reviews, interviews, depositions, and hearings. Former White House personnel, Secret Service agents, Dallas Police Department officers, Texas public officials and private citizens who had witnessed the assassination were interviewed or questioned. In addition, relevant files and documents of former White House staff, the Secret Service, and the Dallas Police Department pertaining to the planning of the motorcade route were reviewed. These included the Secret Service's contingency plans for the Dallas trip that set forth scheduling, security factors and related considerations for the motorcade route.

(1) *Connally testimony.*—Governor John B. Connally testified at a public hearing that he first heard of the possibility of a Presidential trip to Texas during his gubernatorial campaign in the spring of 1962, when Vice President Johnson told him the President wanted to make a fundraising visit to the State.(*1*) Connally said he discussed the trip with the President himself in El Paso, Tex., in June 1963, and in October he went to the White House to help formulate plans.(*2*) According to former White House aides, President Kennedy expressed a desire to make use of a motorcade during the trip,(*3*) since he had found it a useful political instrument during his campaign for the Presidency. Further, the Dallas luncheon engagement under discussion involved only a limited speaking appearance, and Kennedy believed a motorcade would broaden his public exposure.(*4*)

The decision to use a motorcade was opposed initially by Governor Connally, who testified that he thought it would fatigue the President.(*5*) Frank Erwin, executive secretary of the Texas Democratic Committee, also opposed the motorcade, but for a different reason. He testified that because of Adlai Stevenson's ugly confrontation with rightwing extremists only weeks earlier, he was concerned about the possibility of a similar embarrassing and potentially difficult situation.(*6*) These objections, however, were overruled by the White House.(*7*)

(2) *Choice of the motorcade route.*—Once the motorcade decision was made, the choice of a route was dependent more upon the selection of a site for the President's luncheon speech than upon security considerations. The White House staff at first favored the Dallas Women's Building near the Dallas County Fairgrounds because its capacity was greater than that of the alternative site, the Trade Mart, a commercial center with more limited facilities.(*8*) The White House staff felt that the Women's Building would have permitted more of the President's supporters to attend.

According to Jerry Bruno, a White House advance man, the route to the Women's Building would have led the motorcade to proceed along Main Street eastward to the Fairgrounds, which lay to the southeast of the business district. Access to Main Street on the west side of Dealey Plaza would have been by a cloverleaf from the expressway. Using this route, the motorcade would have proceeded at a relatively high speed (40 to 50 mph) into Dealey Plaza and it would maintain this speed until it reached the intersection of Main and Houston Streets where crowds would have gathered.(*9*) Had it taken

this route, the motorcade would not have passed directly in front of the Texas School Book Depository at the slow (approximately 11 mph) speed that it did en route to the Trade Mart.

In his testimony, Forrest Sorrels, the special agent-in-charge of the Dallas Secret Service office in 1963, indicated that the Secret Service also preferred the Women's Building as the luncheon site because, as a single story structure, it would have been easier to secure than the Trade Mart.(*10*) For political reasons, however, Governor Connally insisted on the Trade Mart,[1](*11*) and the White House acquiesced to his wishes so it could avoid a dispute with the Governor, whose assistance was needed to assure the political success of the trip.(*12*)

Accordingly, a motorcade to the Trade Mart was planned, and since the purpose of the motorcade was to permit the President to greet well-wishers in downtown Dallas, the route that was chosen was west along Main, right on Houston, then left on Elm Street, proceeding past the book depository, and through Dealey Plaza. Main Street, according to Governor Connally, had been the usual route for ceremonial occasions,(*13*) such as a procession in 1936—although in the opposite direction—in honor of President Roosevelt, the last President to have traveled through Dallas in a motorcade.

While the Secret Service was consulted regarding alternative luncheon sites, its role in the ultimate decisionmaking process was secondary to that of Governor Connally and the White House staff.(*14*) Similarly, once the actual motorcade route had been set, also without significant Secret Service input, it was the White House staff, not the Secret Service, who made the decision to publish the route in Dallas newspapers. Presidential aides wanted to assure maximum public exposure for President Kennedy.(*15*)

The committee found no evidence, therefore, suggesting that the selection of a motorcade route involved Secret Service complicity in a plot to assassinate the President.[2](*18*)

(3) *Allegation a Secret Service agent was on the grassy knoll.*—After the assassination, several witnesses stated they had seen or encountered Secret Service agents behind the stockade fence situated on the grassy knoll area and in the Texas School Book Depository.(*19*) Other witnesses reported Secret Service agents leaving the motorcade and running to various locations in Dealey Plaza.(*20*) Warren Commission critics have alleged that these Secret Service agents either participated in the assassination itself or were involved in a coverup of the evidence.(*21*)

None of the witnesses interviewed by the committee was able to provide further corroborating information concerning their original statements. The majority, however, indicated that they were mistaken in their original interpretation of events.(*22*) Committee interviews or depositions with 11 of the 16 agents[3] who were on duty with the motorcade and with their supervisors produced evidence that only one

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[1] Connally in effect indicated he would not support the fundraising visit if the Trade Mart was not the luncheon site.

[2] The decision not to use a bubble top on the President's limousine was made by White House staff aides just minutes before the motorcade got underway. The Secret Service was not involved in the decision.(*16*) The bubble top, in any event, was not a bulletproof barrier designed to protect the limousine occupants. It served merely to shield them from inclement weather.(*17*)

[3] One of the agents not interviewed had died. Affidavits were obtained from the remaining four.

agent had left the motorcade at any time prior to the arrival at Parkland Hospital. This agent, Thomas "Lem" Johns, had been riding in Vice President Johnson's followup car. In an attempt to reach Johnson's limousine, he had left the car at the sound of shots and was momentarily on his own in Dealey Plaza, though he was picked up almost immediately and taken to Parkland Hospital.(*23*) In every instance, therefore, the committee was able to establish the movement and the activities of Secret Service agents. Except for Dallas Agent-in-Charge Sorrels, who helped police search the Texas School Book Depository, no agent was in the vicinity of the stockade fence or inside the book depository on the day of the assassination.(*24*)

Significantly, most of the witnesses who made identifications of Secret Service personnel stated that they had surmised that any plainclothed individual in the company of uniformed police officers must have been a Secret Service agent.(*25*) Because the Dallas Police Department had numerous plainclothes detectives on duty in the Dealey Plaza area,(*26*) the committee considered it possible that they were mistaken for Secret Service agents.

One witness who did not base his Secret Service agent identification merely upon observing a plainclothesman in the presence of uniformed police officers was Dallas police officer Joseph M. Smith. Smith, who had been riding as a motorcycle escort in the motorcade, ran up the grassy knoll immediately after the shooting occurred. He testified to the Warren Commission that at that time he encountered a man who stated that he was a Secret Service agent and offered supporting credentials. Smith indicated that he did not examine these credentials closely, and he then proceeded to search the area unsuccessfully for suspicious individuals.(*27*)

The committee made an effort to identify the person who talked to Patrolman Smith. FBI Special Agent James P. Hosty stated that Frank Ellsworth, then an agent for the Alcohol, Tobacco and Firearms Bureau of the Treasury Department, had indicated that he had been in the grassy knoll area and for some reason had identified himself to someone as a Secret Service agent.(*28*) The committee deposed Ellsworth, who denied Hosty's allegation.(*29*)

The committee did obtain evidence that military intelligence personnel may have identified themselves as Secret Service agents or that they might have been misidentified as such. Robert E. Jones, a retired Army lieutenant colonel who in 1963 was commanding officer of the military intelligence region that encompassed Texas, told the committee that from 8 to 12 military intelligence personnel in plainclothes were assigned to Dallas to provide supplemental security for the President's visit. He indicated that these agents had identification credentials and, if questioned, would most likely have stated that they were on detail to the Secret Service.(*30*)

The committee sought to identify these agents so that they could be questioned. The Department of Defense, however, reported that a search of its files showed "no records * * * indicating any Department of Defense Protective Services in Dallas."(*31*) The committee was unable to resolve the contradiction.

(4) *Conclusion.*—Based on its entire investigation, the committee found no evidence of Secret Service complicity in the assassination.

(*b*) *The Federal Bureau of Investigation*

In the weeks that followed the assassination, it was alleged in several newspaper articles that Lee Harvey Oswald had been an FBI informant. Consequently, the Warren Commission expended considerable effort addressing the question. Testimony was taken from FBI Director J. Edgar Hoover, Assistant to the Director Alan H. Belmont, and FBI Special Agents John W. Fain, John L. Quigley and James P. Hosty, Jr.(*1*) "All declared, in substance, that Oswald was not an informant or agent of the FBI, and that he did not act in any other capacity for the FBI, and that no attempt was made to recruit him in any capacity." In addition, "Director Hoover and each Bureau agent, who according to the FBI would have been responsible for or aware of any attempt to recruit Oswald * * * provided the Commission with sworn affidavits to this effect."[1] This testimony was corroborated by the Warren Commission's independent review of FBI files.(*3*)

Nevertheless, the allegation that Oswald was associated in some capacity with the FBI persisted.(*4*) There are three main reasons for this that may be traced to actions by the Bureau.

First, Oswald's address book contained the name, address, telephone number and automobile license plate number of Special Agent James P. Hosty. That entry has been a source of controversy, especially since this information was not contained in an FBI report to the Warren Commission in December 1963, one that purportedly contained the contents of the address book.

Second, based on FBI contacts with Oswald in Fort Worth in 1962 and New Orleans and Dallas in 1963, rumors that he was an informant for the Bureau continued to circulate.

Third, shortly after the assassination, Dallas FBI agent Hosty destroyed a note that had been delivered to his office allegedly by Oswald shortly before the assassination. When that conduct was finally made public in 1975 it aroused great suspicions, especially since it had not been previously revealed, even to the Warren Commission. (*5*)

The committee attempted to investigate each of the alleged links between Oswald and the FBI. It conducted extensive file reviews, interviews, depositions, and hearings. Testimony was taken from present and former FBI officials and employees as well as from private citizens claiming to have relevant information. On occasion, formal explanations were sought directly from the FBI. Even though the testimony of two special agents of the FBI appeared to be seriously lacking credibility on two of the major issues (the destruction of the Oswald note and the omission of Hosty's name from a report purporting to contain a list of the entries in Oswald's notebook), the results of the committee's investigation were consistent with the conclusions reached by the Warren Commission. The committee found no credible evidence that Oswald was an FBI informant.

(1) *Early rumors that Oswald was an informant.*—Shortly after the assassination of President Kennedy, rumors that Oswald had been an

[1] Nine of the 10 affidavits executed by FBI agents denying that Oswald had been an informant were revised before the FBI submitted them to the Warren Commission. It had been alleged that these affidavits may have been materially altered. The committee found that none of the affidavits had been materially altered before delivery to the Warren Commission. The essential difference between the preliminary drafts and the final affidavits was that the drafts were witnessed by fellow FBI agents, whereas the final affidavits were witnessed by notaries public. In a few instances, minor changes of words or phrases were made, although none affected substance.(*2*)

FBI informant began to circulate. This allegation was discussed in articles by Joseph C. Goulden, Alonzo Hudkins, and Harold Feldman, among others.(*6*) The committee's review of these articles indicated that they set forth the rumors and speculation concerning the informant issue, but they offered no direct evidence supporting the allegation. Moreover, Hudkins admitted to the committee that his involvement with the issue began when he and another newsman discussed by telephone a mythical FBI payroll number for Oswald in order to test their suspicion that they were under FBI surveillance. Hudkins told the committee that he was subsequently contacted by the FBI and asked what he knew about Oswald's alleged informant status, and that shortly afterward a newspaper article appeared in which the FBI denied any relationship with Oswald.(*7*) Neither Hudkins nor Goulden was able to give the committee any additional information that would substantiate the informant allegation.(*8*) The committee was unable to locate Feldman.

(2) *The Hosty entry in Oswald's address book.*—After the assassination, Dallas police found Oswald's address book among his possessions and turned it over to the FBI in Dallas. It contained FBI Special Agent Hosty's name, address, telephone number and car license plate number.(*9*) Dallas FBI agents recorded some of the entries in the address book and, on December 23, 1963, sent a report to the Warren Commission. This report, however, did not include the Hosty entry.[2](*10*)

The committee's review of the December 23 report established the likelihood that page 25 of that document, the page that logically would have contained the Hosty entry had it been properly included,[3] had been retyped. The page was numbered in the upper left-hand corner, whereas all other pages of the report—save page 1, the retyping of which had been clearly recorded—were numbered at the bottom center. In addition, the horizontal margins of page 25 were unusually wide.

The former special agent who had coordinated the FBI's Dallas investigation and had submitted the December 23, 1963, report, testified in a committee executive session that he had ordered the contents of Oswald's notebook transcribed for the purpose of indicating any investigative leads.(*11*) The agent acknowledged that page 25 of the report would have contained the Hosty entry had it been included, and that both the numbering of that page and its unusually wide horizontal margins indicated it had been retyped.(*12*) Nevertheless, he stated that the page had not been retyped to mislead anyone, and indicated that the only reason the Hosty entry had been omitted from his report was because the original office memorandum setting out investigative leads generated from Oswald's address book had failed to include it.(*13*)

A second special agent, the one who had prepared the original office memorandum that was incorporated into the December 23, 1963, re-

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[2] On January 25, 1964, the FBI independently questioned the Dallas office concerning the omission and later sent to the Warren Commission a report, dated February 11, 1964, that did include the Hosty entry. In addition, in a letter dated January 27, 1964, the FBI informed the Commission of the inclusion of the Hosty data in Oswald's address book.

[3] This determination was based on a comparison of the other entries from Oswald's address book that did appear on page 25.

port, testified that the Hosty entry had not been included because it was not considered to be of significance as an investigative lead.(*14*) This agent contended it had already been known that Hosty had called at the home of Ruth and Michael Paine looking for Oswald prior to the assassination, so the entry of his name and related data in Oswald's book would not have been of potential evidentiary value.(*15*)

The committee did not accept the explanation that the Hosty entry was omitted from the report because it was not of lead significance, since the FBI's December 23, 1963, report included other entries from Oswald's address book that clearly had no lead significance at the time. For example, by December 23, it was generally known that the Oswalds had been living at the Paine home, yet the Ruth Paine address book entry was included in the report.(*16*) Similarly, a Robert W. Oswald entry that referred to Oswald's brother would not have been significant as a lead at that time.(*17*) Numerous other examples could be given.(*18*) Moreover, the agent who prepared the memorandum failed to include in it several entries that he acknowledged could not automatically be dismissed as lacking in lead significance (e.g., numbers and letters of the alphabet whose meaning was not then known).(*19*)

Finally, in the December 23 report that was given to the Warren Commission, the FBI did not indicate that the report of the address book's contents had been limited to those items of lead significance.[4](*20*)

When the committee apprised the FBI of the testimony of the two agents (first, the agent who coordinated the investigation; second, the one who prepared the memorandum that was incorporated in the December 23 report), the Bureau initiated its own inquiry. It produced an FBI airtel (an interoffice telegram) dated December 11, 1963, that seemed to verify that the second agent's original instructions were to set out investigative leads, rather than to transcribe the complete contents of the address book.(*21*) The FBI investigation also led to the discovery of a "tickler" copy of the December 23 report that did contain the Hosty entry on page 25.[5](*22*) The two agents were then reinterviewed by FBI investigators.

Based on his review and analysis of FBI documents, the second agent substantially revised the testimony he had given the committee. He told the Bureau investigators that since his assignment was to review the information contained in Oswald's address book and to set out appropriate leads where necessary, he initially reproduced by dictation those entries in the address book that he thought might require investigative action. He recalled that he was vitally concerned with accuracy; consequently, he initially included the Hosty entry. Nevertheless, he explained that when he later had time to determine what investigative work remained to be done with regard to the address book, he decided that it was not necessary to include the Hosty data in his second dictation of an investigative "lead sheet."(*23*)

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[4] The agent who prepared the memorandum testified he did not know it would be incorporated in other reports and sent to the Warren Commission. The agent who coordinated the investigation was the one who actually prepared the report for transmission to the Warren Commission.

[5] The term "tickler" refers to a copy of a report that is placed in a file for the purpose of reminding the file keeper of further action that must be taken with respect to the subject of the report.

A December 8, 1977, report of the FBI interview with the second agent records his recollection in further detail:

> He specifically recalls that by the time of the second dictation, he had had the opportunity to check on the Hosty entry to the extent that he was aware of Hosty's visits to the Paine residence and that the address book entry reflected the Dallas FBI Field Office telephone number and the license number of the Government vehicle assigned to Hosty.
>
> Upon learning these facts, he was convinced that the Hosty entry was not required in a "lead sheet" since it did not require further investigative attention. In addition, he was unofficially aware, through office conversations, that Hosty was being criticized not only in the media, but also by the FBI hierarchy, for his conduct of the Oswald case. Since he realized that a "lead sheet" would receive wide dissemination in the Dallas Field Office, he was doubly convinced that the Hosty data should not be included in the "lead sheet"—Hosty's connection to the Oswald case was officially known and had been explained in previous reports, and, furthermore, he did not wish to cause Hosty any unnecessary unpleasantness or exposure. At that time he never considered that Hosty might have been a target of Lee Harvey Oswald, and, further, any contention that Hosty was involved in an assassination conspiracy would have been so preposterous that he would not even have thought of it. He, therefore, did not dictate the Hosty data and thereby excluded it from the product of his second dictation which was, in effect, an office memorandum to be used only as a "lead worksheet." He also never considered that the "lead sheet" might have been converted to a report insert and disseminated outside the FBI. Had he known it would be, he would have considered that the memorandum or "lead sheet" should have reflected all the entries in the address book, to include Hosty's name, since to do otherwise would not have been an accurate reporting of the entire contents of the address book.
>
> He could not recall specifically what may have occasioned the redoing of page 25 after the second dictation, but it is possible that it became necessary because either he or someone else noticed that the "Ministry of Finances of the U.S.S.R." information should have been attributed to the same page in the address book as was the "Katya Ford" and "Delean Ford" information. This error was made by him during his first dictation and may have persisted through the second dictation, thereby necessitating an additional change which caused page 25, to be numbered as it appears in the December 23, 1963, report.
>
> [The second agent] concluded by stating that his recall of these events was triggered only by a review and discussion of all the pertinent documents retrieved. Until viewing the tickler version of the address book contents which reproduced the entries more identically than the "lead sheet" version with its editorializations, he had no specific recall with regard to his first dictation. (*24*)

When the first agent was reinterviewed by the FBI, he was unable to explain the origin of the headquarters tickler copy. In addition, after reviewing the December 11, 1963, FBI headquarters airtel to the Dallas office, he indicated that, contrary to his earlier recollection, he never instructed the second agent to transcribe the address book. That order had apparently been issued by another special agent. (*25*)

Bureau interviews with the former special-agent-in-charge of the Dallas office in 1963 and six other special agents who were involved in the assassination investigation generated no additional information concerning how the tickler copy of the December 23, 1963, report on the contents of the address book came to reside in FBI headquarters. Nor did they shed new light on the circumstances surrounding the omission of the Hosty entry from the copy of the report that was sent to the Warren Commission. Laboratory tests for fingerprints were inconclusive. (*26*) They did not indicate who had worked on the tickler copy of the December 23 report. Laboratory tests did determine, however, that the typewriter used to prepare page 25 of the December 23 report had also been used to prepare all but 10 pages of the report.

The committee also sought testimony from Special Agent Hosty concerning the circumstances by which his name was entered in Oswald's notebook and why this particular entry might have been omitted from the December 23, 1963, report. Hosty stated that he had been assigned to internal security cases on both Lee Harvey Oswald and his wife Marina. (*27*) He recalled that he spoke briefly to Marina Oswald twice during the first week of November 1963 and that he had had no other contacts with her. (*28*) On this first occasion, he had given Ruth Paine, with whom Marina Oswald was residing, his name and telephone number and had told her to call him if she had any information on Oswald to give him. (*29*) It was Hosty's belief that Ruth Paine probably gave this information to Oswald. Hosty added that Oswald could have obtained the address of the Dallas FBI office from the front page of any Dallas telephone book. (*30*) Hosty believed that during his second visit to the residence, while he was talking to Ruth Paine, Marina Oswald went outside and copied his license plate number. (*31*) He suggested that Oswald may have wanted this data so he could write his self-serving letter of protest to the Soviet Embassy in Washington. (*32*) In addition, he stated that it is possible that Oswald wanted this information so that he could complain to the FBI in Dallas. (*33*) Hosty indicated that he could think of no good reason for withholding the references to him in Oswald's address book from the report on the address book that was sent to the Warren Commission, as this information was already well-known at the Dallas Police Department. (*34*) The committee also learned that Hosty dictated two memoranda in December 1963 that included the fact that his name and address were in Oswald's address book. In addition, FBI headquarters was aware of the Hosty entry in the address book; it had been made public by the media, and the FBI had advised the Warren Commission of it on January 27, 1964.

Based on all this evidence, the committee concluded that there was no plan by the FBI to withhold the Hosty entry in Oswald's address book for sinister reasons. This conclusion was based on several factors,

the most important of which was the discovery of the tickler copy of the December 23, 1963 report.[6]

The committee considered the fact, on the other hand, that information about the entry was withheld. One explanation might be that it was unintentional, although the evidence was also consistent with an explanation that one or more Dallas FBI agents sought to protect Hosty from personal embarrassment by trying—ineffectually, as it turned out—to exclude his name from the reporting. The committee, though it deemed the incident regrettable, found it to be trivial in the context of the entire investigation.

(3) *FBI contacts with Oswald (Fort Worth, 1962).*—Oswald was interviewed twice by FBI agents in Fort Worth in 1962 shortly after his return from the Soviet Union.(*35*) Special Agent Fain, who had been assigned the Oswald internal security case in Fort Worth, and Special Agent Burnett Tom Carter conducted the initial Oswald interview at the Fort Worth FBI office on June 26, 1962. In his report of this interview, Fain described Oswald as cold, arrogant and uncooperative. He also reported that when asked if he would be willing to submit to a polygraph examination, Oswald refused without giving a reason.(*36*)

On August 16, 1962, Fain and Special Agent Arnold J. Brown reinterviewed Oswald, this time in Fain's automobile near Oswald's Fort Worth residence.(*37*) The fact that the interview was conducted in Fain's car has been cited as an indication that Oswald was being developed as an informant.

Fain, Carter, and Brown submitted affidavits to the Warren Commission asserting Oswald was not an informant.(*38*) All three were interviewed by the committee, and they affirmed their previous positions.

Fain told the committee that in the first encounter, Oswald displayed a bad attitude and gave incomplete answers (*39*) while Carter remembered Oswald as arrogant, uncooperative, and evasive.(*40*) Fain said the second contact was necessitated by Oswald's bad attitude and incomplete answers in the first interview. In the second interview, Fain explained, Oswald invited him and Brown into his home, but decided to conduct the interview in his car so not to upset or frighten Oswald's wife.(*41*) Brown told the committee that his memory was hazy, but he did recall that he and Fain met Oswald as he was returning from work and that they interviewed him in or near Fain's car, possibly for the sake of convenience.(*42*)

The committee found the statements of these three FBI agents credible. They had legitimate reasons for contacting Oswald because his background suggested he might be a threat to the internal security of the United States. They corroborated each other's accounts of the two interviews of Oswald, and their statements were entirely consistent with reports written shortly after these interviews occurred. Given Oswald's documented unwillingness to cooperate, there was little reason to believe that he would have been considered by these agents for use as an informant.

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[6] The leadership of the FBI as of 1978, was deserving of credit, in the committee's estimate, for its efforts to find the truth about the Hosty entry in Oswald's address book. The committee doubted that the tickler copy of the December 23 memorandum would have been found if FBI officials had not been interested in resolving the issue.

(4) *FBI contacts with Oswald (New Orleans, 1963).*—The committee interviewed the special agent in charge of the FBI office in New Orleans in 1963 and three special agents who handled the Oswald case in that city, and it found their statements that Oswald had not been an FBI informant to be credible.

Harry Maynor, the special agent in charge of the New Orleans FBI office in 1963, explained that if Oswald had been an FBI informant in New Orleans, he would have known about it because of his supervisory position; if Oswald had been paid for any information, he would have approved the payments. Maynor noted that he had submitted an affidavit to the Warren Commission in which he had stated that no effort was made to develop Oswald as an informant.(*43*)

Similarly, former Special Agent Milton Kaack, who had been assigned the FBI security investigation of Oswald, told the committee that Oswald had never been an FBI informant. Kaack explained that if Oswald had been an FBI informant, he would have known about it by virtue of having been assigned the internal security case on him.[7](*44*)

The statements of Maynor, Kaack, and two other former FBI employees were considered in the context of allegations made by three witnesses, William S. Walter, Orest Pena, and Adrian Alba.

On August 9, 1963, Oswald was arrested in New Orleans for disturbing the peace after he had gotten into a fight with anti-Castro Cubans while distributing Fair Play for Cuba Committee leaflets. FBI Special Agent John L. Quigley interviewed Oswald the following day in a New Orleans jail.(*45*) Quigley's willingness to meet with Oswald in jail has been cited as evidence that Oswald was an FBI informant. Moreover, in connection with this incident, William S. Walter, who was an FBI security clerk in New Orleans in 1963, told the committee that he had been on duty on the day this interview occurred. In response to Quigley's request for a file check on Oswald, he had determined that the New Orleans FBI office maintained both a security file and an informant file on Oswald.(*46*)

In a committee interview, Quigley, who had submitted an affidavit to the Warren Commission asserting that Oswald had not been an FBI informant,(*47*) reaffirmed his position. He explained that he interviewed Oswald at Oswald's request, and that he then checked the file indices at the New Orleans office and found that Oswald was the subject of a security investigation assigned to Special Agent Kaack. He advised that the indices check provided no indication that Oswald had ever been an FBI informant. He added that if Oswald had been an informant, he would have known about it by virtue of this indices search.(*48*)

The committee could find no independent basis for verifying Walter's testimony about an Oswald informant file, but another allegation made by him, unrelated to the informant issue, led the committee to reject his testimony in its entirety. In a committee deposition, Walter stated that on November 17, 1963, while he was on night duty as an FBI security clerk, he received a teletype from FBI headquarters warning of a possible assassination attempt against President Ken-

[7] The committee asked Kaack why he had not submitted an affidavit to this effect to the Warren Commission. In response, Kaack indicated that this had not been done because no one had requested it.

nedy during the forthcoming trip to Dallas on November 22 or 23, 1963.(*49*) Walter recalled that the teletype was addressed to all special agents in charge of FBI field offices and that it instructed them to contact criminal, racial and hate group informants in order to determine whether there was any basis for the threat.(*50*) Walter contended that this teletype was removed from the New Orleans FBI office files soon after the Kennedy assassination.(*51*)

Walter admitted that he did not publicly allege the existence of this teletype until 1968.(*52*) At that time, the FBI instituted an investigation that failed to find any corroboration for Walter's story. According to the Bureau, no record of a teletype or any other kind of communication reporting that there would be an attempt to assassinate President Kennedy in Texas could be found. Over 50 FBI employees of the New Orleans FBI office were interviewed by the Bureau, and none of them stated that they had any knowledge of any such teletype.(*53*) In 1975, the Bureau reinvestigated the teletype allegation after Walter claimed he had retained a replica of the teletype and that it had been sent to all FBI field offices. The FBI examined the text of the alleged replica and determined that it varied in format and wording from the standard. The Bureau also reported that searches at each of its 59 field offices yielded no evidence indicating the existence of such a teletype.(*54*)

Walter advised the committee that he did not know of anyone who could definitely substantiate his teletype allegation, although he suggested that his former wife, Sharon Covert, who also had worked for the FBI in New Orleans, might be able to do so.(*55*) Sharon Covert, however, advised the committee that she could not support any of Walter's allegations against the FBI and that Walter had never mentioned his allegations to her during their marriage.(*56*)

New Orleans Special Agent in Charge Maynor also denied that he had been contacted by Walter in regard to an assassination threat.(*57*)

More fundamentally, however, the committee was led to distrust Walter's account of the assassination teletype because of his claim that it had been addressed to the special agents in charge of every FBI field office. The committee found it difficult to believe that such a message could have been sent without someone 15 years later—a special agent in charge or an employee who might have seen the teletype—coming forward in support of Walter's claim. The committee declined to believe that that many employees of the FBI would have remained silent for such a long time. Instead, the committee was led to question Walter's credibility. The committee concluded that Walter's allegations were unfounded.

Orest Pena, a bar owner in New Orleans, testified that during the early 1960's he was an FBI informant who reported to Special Agent Warren D. deBrueys.(*58*) He told the committee that on several occasions he saw Oswald in the company of deBrueys and other Government agents in a restaurant and that he believed Oswald and deBrueys knew each other very well.[8] Finally, Pena alleged that Special Agent

[8] In this regard, William Walter testified that after the assassination of President Kennedy he found a single file pertaining to Oswald in SAC Harry G. Maynor's locked file cabinet. Walter stated that he did not recall the title of the file, and acknowledged that it may not have been an informant file, but he remembered that the name of FBI Special Agent Warren D. deBrueys appeared on the file jacket. As noted, the committee did not find Walter to be a credible witness.

deBrueys was "transferred" to Dallas at the same time Oswald was "transferred" there. He added that he was "very, very, very sure" that deBrueys went to Dallas before the assassination of President Kennedy.(*59*)

Pena maintained that a few days before he went to testify before the Warren Commission, deBrueys threatened him physically and warned him not to make any accusations against him. Pena also stated that Warren Commission staff counsel Wesley J. Liebeler did not cooperate with him and did not let him talk freely, so he decided to "keep [his] mouth shut."(*60*)

In testimony before the committee, deBrueys denied that Oswald was his informant, that he had ever met Oswald, or that he had ever knowingly talked to him by telephone.(*61*) He acknowledged that he did use Pena informally as an occasional source of information because of his position as a bar owner in New Orleans, but he declined to characterize Pena as an informant because of the absence of any systematic reporting relationship.(*62*) He also denied having threatened Pena prior to Pena's Warren Commission testimony.(*63*) Finally, deBrueys testified that he was transferred to Dallas in 1963, but that this was the result of a temporary assignment to assist in the assassination investigation.(*64*) The transfer did not coincide with Oswald's move from New Orleans to the Dallas area.[9]

FBI files served to corroborate relevant aspects of deBrueys' testimony. DeBrueys' personal file indicates that the only time he was transferred to Dallas was to work on the assassination investigation, and that he was in Dallas from November 23, 1963, until January 24, 1964. In addition, there is no Bureau record of Pena ever having served as an informant. This, too, supported deBrueys' testimony that Pena was never used on any systematic basis as a source of information.

Pena, moreover, was unable to explain adequately why he waited until 1975 to make this allegation, and he declined to testify specifically that Oswald was, in fact, an FBI informant. Pena's responses to committee questions on the informant issue and others were frequently evasive.(*65*) The committee found, therefore, that he was not a credible witness.

Adrian Alba testified before the committee that he was an employee and part owner of the Crescent City Garage in New Orleans and that in the summer of 1963 he had become acquainted with Oswald, who worked next door at the Reily Coffee Co.(*66*) He related that one day an FBI agent entered his garage and requested to use one of the Secret Service cars garaged there. The FBI agent showed his credentials, and Alba allowed him to take a Secret Service car, a dark green Studebaker. Later that day or the next day, Alba observed the FBI agent in the car handing a white envelope to Oswald in front of the Reily Coffee Co. There was no exchange of words. Oswald, in a bent position, turned away from the car window and held the envelope close

[9] The committee also asked deBrueys why he did not submit an affidavit to the Warren Commission on the informant issue. In response, deBrueys testified that he was surprised not to have been called upon to submit an affidavit to the Warren Commission. He believed that he had signed an affidavit on the informant issue at Bureau headquarters within the past few years, but no longer recalled the specifics of this action. The Bureau informed the committee that, pursuant to regulations, deBrueys had submitted to the U.S. Attorney General a written synopsis of his testimony before the Senate Select Committee on Intelligence. In this synopsis, deBrueys stated that he had denied under oath that Oswald was his informant or that he had ever knowingly spoken to Oswald.

to his chest as he walked toward the Reily Coffee Co. Alba believed that he observed a similar transaction a day or so later as he was returning from lunch, but on this occasion he was farther away and failed to see what was handed to Oswald. Alba did not recall when the Secret Service car was returned or by whom. He never questioned Oswald about these incidents. (*67*)

Alba did not relate his account of the transactions between Oswald and the FBI agent when he testified before the Warren Commission. (*68*) He told the committee in 1978 that he first remembered these incidents in 1970, when his memory was triggered by a television commercial showing a merchant running to and from a taxi to assist a customer. (*69*)

The committee examined Alba's records for possible corroboration. These records indicated that in 1963 several Secret Service agents had signed out two Studebakers, a Ford and a Chevrolet at various times, but the records did not indicate that any FBI agents had signed out any of these cars. (*70*)

The committee regarded Alba's testimony, at least on this point, to be of doubtful reliability and outweighed by the evidence provided by the former FBI personnel stationed in New Orleans.

(5) *FBI contacts with Oswald (Dallas, 1963).*—According to a 1964 FBI memorandum, an FBI agent, later identified as Will Hayden Griffin of the Dallas field office, allegedly stated in 1964 that Oswald was definitely an FBI informant and that FBI files in Washington would prove that fact. (*71*) Griffin, however, advised the committee that he had never made such an allegation. Moreover, in 1964, he had executed an affidavit specifically denying this allegation. (*72*) Griffin's position is consistent with that of other Dallas FBI personnel.

J. Gordon Shanklin, who was special-agent-in-charge of the Dallas FBI office in 1963, submitted an affidavit to the Warren Commission in which he denied that Oswald was an FBI informant. (*73*) In a committee interview, he again stated that Oswald was never an informant for the FBI in Dallas, and he added he had not even heard of Oswald prior to President Kennedy's assassination. (*74*)

Special Agent James P. Hosty, Jr., testified that Oswald had not been an FBI informant. (*75*) Hosty had submitted an affidavit to this effect to the Warren Commission.[10] Hosty told the committee that he had never interviewed Oswald before the assassination of President Kennedy. From his testimony, it appeared that his only contacts with Oswald had been indirect, in the form of two occasions that he had conversed with Marina Oswald and Ruth Paine. He added that Oswald was neither an informant for Special Agent Fain in Fort Worth nor an informant for any FBI agent in New Orleans. Had Oswald been an informant in either case, Hosty insisted he would have known about it by virtue of having been assigned the internal security case on Oswald in Dallas. (*76*)

Hosty also addressed the purported Griffin allegation. He testified to the committee that Griffin knew that Jack Ruby had been a poten-

[10] In addition to Hosty and Shanklin, several other FBI agents in Dallas executed affidavits for the Warren Commission denying that Oswald was an informant: Assistant Special-Agent-in-Charge Kyle G. Clark, former Special-Agent-in-Charge Curtis O. Lynum, and Special Agent Kenneth C. Howe.

tial criminal informant for the FBI in Dallas. He suggested that someone could have heard Griffin talking about Ruby's contacts with the FBI and might then have repeated the story with the mistaken assertion that Griffin was talking about Oswald. (*77*)

In support of Hosty's explanation, Shanklin stated to the committee that the Dallas office did send the potential criminal informant file on Ruby to FBI headquarters in Washington after the Kennedy assassination. He added that he did not know whether this file was sent to the Warren Commission.[11] (*78*) Griffin told the committee in a second interview that soon after the Kennedy assassination he learned that the FBI in Dallas had approached Ruby in order to obtain information from him. He advised that, although his recollection was unclear, he might have seen an FBI informant file on Ruby and then may have talked to persons outside the Bureau about the FBI's contacts with Ruby. (*79*)

(6) *The destruction of Oswald's note.*—Approximately 2 or 3 weeks before the assassination of President Kennedy, Oswald allegedly delivered a note addressed to Hosty at the FBI office in Dallas. (*80*) The varying accounts of the note's contents suggest that it was threatening or complaining in tone, ordering Hosty to stop bothering Oswald's wife. (*81*) Several hours after Oswald was murdered by Jack Ruby, Hosty, according to his own admission, destroyed the note after having been instructed to do so by J. Gordon Shanklin, the special-agent-in-charge of the Dallas FBI office. (*82*) Shanklin denied that he knew anything about the note until a reporter asked him about it in 1975. (*83*) Between 1963 and 1975, the existence of the note and its destruction were kept secret by the Dallas FBI Office.

In his committee testimony, Hosty stated that the note, according to his memory, did not contain Oswald's name and that he first determined that the note might have been from Oswald on the day of the assassination of President Kennedy. Hosty explained that soon after Oswald's arrest, he was instructed to sit in on the interrogation of Oswald at the Dallas Police Department, and that when he identified himself to Oswald, Oswald became upset and stated that Hosty had been bothering his wife, Marina. Hosty suggested that Special-Agent-in-Charge Shanklin, who was told by another FBI agent about Oswald's reaction to Hosty, probably made the same connection between Oswald and the anonymous note. Hosty advised that he was surprised that Shanklin wanted him to destroy the note because the note's contents were not particularly significant. (*84*)

Hosty recalled that the note was complaining in tone, but that it contained no threats and did not suggest that Oswald was prone to violence. Hosty stated that he destroyed the note because Shanklin, his superior, ordered him to do so. When asked what motivation Oswald might have had for writing this note, Hosty suggested that Oswald might have wanted to prevent Hosty from contacting his wife because he was afraid that she would tell Hosty about Oswald's trip to Mexico in the fall of 1963 and of his attempt to shoot Gen. Edwin Walker in the spring of 1963. (*85*)

[11] The committee found no evidence that this file was ever sent to the Warren Commission, although details of the association were furnished to the Commission by letter.

The committee regarded the incident of the note as a serious impeachment of Shanklin's and Hosty's credibility. It noted, however, that the note, if it contained threats in response to FBI contacts with Oswald's wife, would have been evidence tending to negate an informant relationship. The committee noted further the speculative nature of its findings about the note incident. Because the note had been destroyed, it was not possible to establish with confidence what its contents were.

(7) *Conclusion.*—In summary, although there have been many allegations of an Oswald-FBI informant relationship, there was no credible evidence that Oswald was ever an informant for the Bureau. Absent a relationship between Oswald and the FBI, grounds for suspicions of FBI complicity in the assassination become remote.

(c) *The Central Intelligence Agency* [1]

In 1964, the CIA advised the Warren Commission that the Agency had never had a relationship of any kind with Lee Harvey Oswald. Testifying before the Commission, CIA Director John A. McCone indicated that:

> Oswald was not an agent, employee, or informant of the Central Intelligence Agency. The Agency never contacted him, interviewed him, talked with him, or solicited any reports or information from him, or communicated with him directly or in any other manner * * * Oswald was never associated or connected directly or indirectly in any way whatsoever with the Agency. (*1*)

McCone's testimony was corroborated by Deputy Director Richard M. Helms. (*2*) The record reflects that once these assurances had been received, no further efforts were made by the Warren Commission to pursue the matter.

Recognizing the special difficulty in investigating a clandestine agency, the committee sought to resolve the issue of Oswald's alleged association with the CIA by conducting an inquiry that went beyond taking statements from two of the Agency's most senior officials. The more analytical approach used by the committee consisted of a series of steps:

First, an effort was made to identify circumstances in Oswald's life or in the way his case was handled by the CIA that possibly suggested an intelligence association.

Then, the committee undertook an intensive review of the pertinent files, including the CIA's 144-volume Oswald file and hundreds of others from the CIA, FBI, Department of State, Department of Defense and other agencies.

Based on these file reviews, a series of interviews, depositions and executive session hearings was conducted with both Agency and non-Agency witnesses. The contacts with present and former CIA personnel covered a broad range of individuals, including staff and division chiefs, clandestine case officers, area desk officers, research analysts, secretaries and clerical assistants. In total, more

[1] For a brief history of the CIA and description of its organizational structure, see Section I D 4 infra.

than 125 persons, including at least 50 present and former CIA employees, were questioned.[2]

The results of this investigation confirmed the Warren Commission testimony of McCone and Helms. There was no indication in Oswald's CIA file that he had ever had contact with the Agency. Finally, taken in their entirety, the items of circumstantial evidence that the committee had selected for investigation as possibly indicative of an intelligence association did not support the allegation that Oswald had an intelligence agency relationship.

This finding, however, must be placed in context, for the institutional characteristics—in terms of the Agency's strict compartmentalization and the complexity of its enormous filing system—that are designed to prevent penetration by foreign powers have the simultaneous effect of making congressional inquiry difficult. For example, CIA personnel testified to the committee that a review of Agency files would not always indicate whether an individual was affiliated with the Agency in any capacity.(*3*) Nor was there always an independent means of verifying that all materials requested from the Agency had, in fact, been provided. Accordingly, any finding that is essentially negative in nature—such as that Lee Harvey Oswald was neither associated with the CIA in any way, nor ever in contact with that institution—should explicitly acknowledge the possibility of oversight.

To the extent possible, however, the committee's investigation was designed to overcome the Agency's security-oriented institutional obstacles that potentially impede effective scrutiny of the CIA. The vast majority of CIA files made available to the committee were reviewed in undeleted form.(*4*) These files were evaluated both for their substantive content and for any potential procedural irregularities suggestive of possible editing or tampering. After review, the files were used as the basis for examination and cross-examination of present and former Agency employees. Each of the present and former Agency employees contacted by the committee was released from his secrecy oath by the CIA insofar as questions relevant to the committee's legislative mandate were concerned. Because of the number of Agency personnel who were interrogated,(*5*) it is highly probable that any significant inconsistencies between the files and witnesses' responses would have been discovered by the committee.

During the course of its investigation, the committee was given access by the CIA to information based on sensitive sources and methods that are protected by law from unauthorized disclosure. The committee noted that in some circumstances disclosure of such information in detail would necessarily reveal the sensitive sources and methods by which it was acquired. With respect to each item of such information, the committee carefully weighed the possible advancement of public understanding that might accrue from disclosure of the details of the information against the possible harm that might be done to the national interests and the dangers that might result to individuals. To

[2] The committee also attempted to identify CIA employees who may have had the motive, means and opportunity to assassinate President Kennedy. In this regard, no useful information was generated from selected file reviews. An effort was also made to locate a man identified as Maurice Bishop who was said to have been a CIA officer who had been seen in the company of Lee Harvey Oswald. The effort to find "Bishop" was likewise unsuccessful.

the extent required by the balancing process, sections of this report were written in a somewhat conclusionary manner in order to continue the protection of such classified information.

(1) *CIA personnel in the Soviet Russia Division.*[3]—Since Oswald spent time in the Soviet Union, a subject of special attention by the committee was the Russia-related activities of the CIA. In addition to obtaining testimony from former Directors McCone and Helms, the committee interviewed the chiefs of the Soviet Russia Division from 1959 to 1963. In each case, the committee received a categorical denial of any association of the CIA with Oswald. (*6*)

To investigate this matter further, the committee interviewed the persons who had been chiefs or deputy chiefs during 1959–62 of the three units within the Soviet Russia Division that were responsible respectively for clandestine activities, research in support of clandestine activities, and the American visitors program.[4] The heads of the clandestine activity section stated that during this period the CIA had few operatives in the Soviet Union and that Oswald was not one of them. Moreover, they stated that because of what they perceived to be his obvious instability, Oswald would never have met the Agency's standards for use in the field.[5] (*7*) The heads of the Soviet Russia Division's section that sought the cooperation of visitors to the Soviet Union informed the committee that they met with each person involved in their program and that Oswald was not one of them. (*8*) These officials also advised the committee that "clean-cut" collegiate types tended to be used in this program, and that Oswald did not meet this criterion. (*9*) Finally, the officers in charge of the Soviet Russia Division's research section in support of clandestine activities indicated that, had Oswald been contacted by the Agency, their section would probably have been informed, but that this, in fact, never occurred. (*10*)

(2) *CIA personnel abroad.*—Turning to particular allegations, the committee investigated the statement of former CIA employee James Wilcott, who testified in executive session that shortly after the assassination of President Kennedy he was advised by fellow employees at a CIA post abroad that Oswald was a CIA agent who had received financial disbursements under an assigned cryptonym.[6] (*11*) Wilcott explained that he had been employed by the CIA as a finance officer from 1957 until his resignation in 1966. In this capacity, he

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[3] Classified analyses of these issues, written in undeleted form, are in the committee's files.

[4] The visitors program sought the cooperation, for limited purposes, of carefully selected persons traveling in the Soviet Union. For this unit, only the years 1959–61 were covered. Nevertheless, since every American traveler who was involved in this program was contacted before visiting the Soviet Union, the relevant year for Lee Harvey Oswald was 1959, the year he departed from the United States.

[5] One officer acknowledged the remote possibility that an individual could have been run by someone as part of a "vest pocket" (private or personal) operation without other Agency officials knowing about it. But even this possibility, as it applies to Oswald, was negated by the statement of the deputy chief of the Soviet Russia clandestine activities section. He commented that in 1963 he was involved in a review of every clandestine operation ever run in the Soviet Union, and Oswald was not involved in any of these cases.

[6] A cryptonym is a code designation for an agency project, program or activity or an organization, agency or individual (for whom a legal signature is not required) having a sensitive operational relationship with the agency. Cryptonyms are used in communications only to the extent necessary to protect sensitive information from disclosure to unauthorized persons. They are used (1) when disclosure of the true identity of persons, organizations or activities would be detrimental to the interest of the U.S. Government or to the persons, organizations or activities concerned; or (2) to prevent disclosure of a sensitive operational relationship with the agency.

served as a fiscal account assistant on the support staff at a post abroad from June 1960 to June 1964. In addition to his regular responsibilities, he had performed security duty on his off-hours in order to supplement his income. This put him in contact with other employees of the post who would come by the office and engage in informal conversations. On the day after President Kennedy's assassination, Wilcott claimed he was informed by a CIA case officer that Oswald was an agent.(*12*) He further testified that he was told that Oswald had been assigned a cryptonym and that Wilcott himself had unknowingly disbursed payments for Oswald's project.(*13*) Although Wilcott was unable to identify the specific case officer who had initially informed him of Oswald's agency relationship, he named several employees of the post abroad with whom he believed he had subsequently discussed the allegations.(*14*)

Wilcott advised the committee that after learning of the alleged Oswald connection to the CIA, he never rechecked official Agency disbursement records for evidence of the Oswald project. He explained that this was because at that time he viewed the information as mere shop talk and gave it little credence.(*15*) Neither did he report the allegations to any formal investigative bodies, as he considered the information hearsay.(*16*) Wilcott was unable to recall the agency cryptonym for the particular project in which Oswald had been involved,(*17*) nor was he familiar with the substance of that project. In this regard, however, because project funds were disbursed on a code basis, as a disbursement officer he would not have been apprised of the substantive aspects of projects.

In an attempt to investigate Wilcott's allegations, the committee interviewed several present and former CIA employees selected on the basis of the position each had held during the years 1954–64. Among the persons interviewed were individuals whose responsibilities covered a broad spectrum of areas in the post abroad, including the chief and deputy chief of station, as well as officers in finance, registry, the Soviet Branch and counterintelligence.

None of these individuals interviewed had ever seen any documents or heard any information indicating that Oswald was an agent.(*18*) This allegation was not known by any of them until it was published by critics of the Warren Commission in the late 1960's.(*19*) Some of the individuals, including a chief of counterintelligence in the Soviet Branch, expressed the belief that it was possible that Oswald had been recruited by the Soviet KGB during his military tour of duty overseas, as the CIA had identified a KGB program aimed at recruiting U.S. military personnel during the period Oswald was stationed there.(*20*) An intelligence analyst whom Wilcott had specifically named as having been involved in a conversation about the Oswald allegation told the committee that he was not in the post abroad at the time of the assassination.(*21*) A review of this individual's office of personnel file confirmed that, in fact, he had been transferred from the post abroad to the United States in 1962.(*22*)

The chief of the post abroad from 1961 to 1964 stated that had Oswald been used by the Agency he certainly would have learned about it.(*23*) Similarly, almost all those persons interviewed who

worked in the Soviet Branch of that station indicated they would have known if Oswald had, in fact, been recruited by the CIA when he was overseas.(*24*) These persons expressed the opinion that, had Oswald been recruited without their knowledge, it would have been a rare exception contrary to the working policy and guidelines of the post abroad.(*25*)

Based on all the evidence, the committee concluded that Wilcott's allegation was not worthy of belief.

(3) *Oswald's CIA file.*—The CIA has long acknowledged that prior to the President's assassination, it had a personality file on Oswald, that is, a file that contained data about Oswald as an individual. This file, which in Agency terminology is referred to as a 201 file, was opened on December 9, 1960.(*26*) The Agency explained that 201 files are opened when a person is considered to be of potential intelligence or counterintelligence significance.(*27*) The opening of such a file is designed to serve the purpose of placing certain CIA information pertaining to that individual in one centralized records system. The 201 file is maintained in a folder belonging to the Directorate for Operations, the Agency component responsible for clandestine activities.(*28*)

The existence of a 201 file does not necessarily connote any actual relationship or contact with the CIA. For example, the Oswald file was opened, according to the Agency, because as an American defector, he was considered to be of continuing intelligence interest.(*29*) Oswald's file contained no indication that he had ever had a relationship with the CIA. Nevertheless, because the committee was aware of one instance (in an unrelated case) where an Agency officer had apparently contemplated the use of faked files with forged documents, (*30*) special attention was given to procedural questions that were occasioned by this file review.

(4) *Why the delay in opening Oswald's 201 file?*—A confidential State Department telegram dated October 31, 1959, sent from Moscow to Washington and forwarded to the CIA, reported that Oswald, a recently discharged Marine, had appeared at the U.S. Embassy in Moscow to renounce his American citizenship and "has offered Soviets any information he has acquired as [an] enlisted radar operator."(*31*) At least three other communications of a confidential nature that gave more detail on the Oswald case were sent to the CIA in about the same time period.(*32*) Agency officials questioned by the committee testified that the substance of the October 31, 1959, cable was sufficiently important to warrant the opening of a 201 file.(*33*) Oswald's file was not, however, opened until December 9, 1960.(*34*)

The committee requested that the CIA indicate where documents pertaining to Oswald had been disseminated internally and stored prior to the opening of his 201 file. The agency advised the committee that because document dissemination records of relatively low national security significance are retained for only a 5-year period, they were no longer in existence for the years 1959–63.(*35*)[8] Consequently, the Agency was unable to explain either when these documents had been received or by which component.

[8] None of these documents were classified higher than confidential.

An Agency memorandum, dated September 18, 1975, indicates that Oswald's file was opened on December 9, 1960, in response to the receipt of five documents: two from the FBI, two from the State Department and one from the Navy. (*36*) This explanation, however, is inconsistent with the presence in Oswald's file of four State Department documents dated in 1959 and a fifth dated May 25, 1960. It is, of course, possible that the September 18, 1975, memorandum is referring to State Department documents that were received by the Directorate for Plans [9] in October and November of 1960 and that the earlier State Department communications had been received by the CIA's Office of Security but not the Directorate for Plans. In the absence of dissemination records, however, the issue could not be resolved.

The September 18, 1975, memorandum also states that Oswald's file was opened on December 9, 1960, as a result of his " 'defection' to the U.S.S.R. on October 31, 1959 and renewed interest in Oswald brought about by his queries concerning possible reentry into the United States."(*37*) There is no indication, however, that Oswald expressed to any U.S. Government official an intention to return to the United States until mid-February 1961. (*38*) Finally, reference to the original form that was used to start a file on Oswald did not resolve this issue because the appropriate space that would normally indicate the "source document" that initiated the action referred to an Agency component rather than to a dated document.[10] (*39*)

The committee was able to determine the basis for opening Oswald's file on December 9, 1960, by interviewing and then deposing the Agency employee who was directly responsible for initiating the opening action. This individual explained that the CIA had received a request from the State Department for information concerning American defectors. After compiling the requested information, she responded to the inquiry and then opened a 201 file on each defector involved. (*40*)

This statement was corroborated by review of a State Department letter which indicated that such a request, in fact, had been made of the CIA on October 25, 1960. Attached to the State Department letter was a list of known defectors; Oswald's name was on that list. The CIA responded to this request on November 21, 1960, by providing the requested information and adding two names to the State Department's original list. (*41*)

Significantly, the committee reviewed the files of 11 individuals on the original State Department list and determined that files were opened in December 1960 for each of the five (including Oswald) who did not have 201 files prior to receipt of the State Department inquiry. In each case, the slot for "source document" referred to an Agency component rather than to a dated document. (*42*)

Even so, this analysis only explained why a file on Oswald was finally opened; it did not explain the seemingly long delay in the opening of the file. To determine whether such a delayed opening was unusual, the committee reviewed the files of 13 of the 14 persons on the CIA's November 21, 1960, response to the State Department and

[9] The Directorate for Plans was the predecessor of the Directorate of Operations.
[10] The Agency indicated that it is customary to refer to a component when the opening action is taken on that component's authority.

of 16 other defectors (from an original list of 380) who were American-born, had defected during the years 1958–63, and who had returned to the United States during that same time period. Of 29 individuals whose files were reviewed, 8 had been the subject of 201 files prior to the time of their defection. In only 4 of the remaining 21 cases were 201 files opened at the time of defection. The files on the 17 other defectors were opened from 4 months to several years after the defection. (*43*) At the very least, the committee's review indicated that during 1958–63, the opening of a file years after a defection was not uncommon. In many cases, the opening was triggered by some event, independent of the defection, that had drawn attention to the individual involved.

(5) *Why was he carried as Lee Henry Oswald in his 201 file?*—Oswald's 201 file was opened under the name Lee Henry Oswald. (*44*) No Agency witness was able to explain why. All agency personnel, however, including the person who initiated the file opening, testified that this must have been occasioned innocently by bureaucratic error. (*45*) Moreover, the committee received substantial testimony to the effect that this error would not have prevented the misnamed file from being retrieved from the CIA's filing system during a routine name trace done under the name Lee Harvey Oswald. (*46*)

(6) *The meaning of "AG" under "Other Identification" in Oswald's 201 file.*—The form used to initiate the opening of a 201 file for Lee Harvey Oswald contains the designation AG in a box marked "Other Identification." Because this term was considered to be of potential significance in resolving the issue of Oswald's alleged Agency relationship, the CIA was asked to explain its meaning.

The Agency's response indicated that "AG" is the OI ("Other Identification") code meaning "actual or potential defectors to the East or the Sino/Soviet block including Cuba," and that anyone so described could have the OI code "AG." This code was reportedly added to Oswald's opening form because of the comment on the form that he had defected to the Soviet Union in 1959. (*47*)

An Agency official, who was a Directorate of Operations records expert and for many years one who had been involved in the CIA's investigation of the Kennedy assassination, gave the committee a somewhat different explanation of the circumstances surrounding the term "AG" and its placement on Oswald's opening form. This individual testified that "AG" was an example of a code used to aid in preparing computer listings of occupational groupings or intelligence affiliations. He explained that these codes always used two letters and that, in this case, the first letter "A" must have represented communism, while the second letter would represent some category within the Communist structure. (*48*)

His recollection was that at the time of the assassination, the "AG" code was not yet in existence because there were no provisions then in effect within the Agency for indexing American defectors. He recalled that it was only during the life of the Warren Commission that the CIA realized that its records system lacked provisions for indexing an individual such as Oswald. Consequently, the CIA revised its records manual to permit the indexing of American defectors and established a code for its computer system to be used for that category. Although

this witness did not know when the notation "AG" was added to Oswald's opening sheet, he presumed that it must have been following the addition of the American defector code, thus placing the time somewhere in the middle of the Warren Commission's investigation. He explained that it was difficult to determine when any of the notations on the opening sheet had been made, since it was standard procedure to update the forms whenever necessary so that they were as reflective as possible of the available information.[11] (*49*)

Finally, this witness testified that the regulations regarding the use of this occupation and intelligence code specifically prohibited indicating that a particular person was either an employee of the Agency or someone who was used by the Agency. This prohibition was designed to prevent anyone from being able to produce any kind of categorical listing of CIA employees, contacts or connections. (*50*)

(7) *Why was Oswald's 201 file restricted?*—The form used to initiate the opening of Oswald's 201 file contains a notation indicating that the file was to be "restricted". (*51*) This indication was considered potentially significant because of the CIA's practice of restricting access to agents' files to persons on a "need-to-know" basis. Further investigation revealed, however, that restricting access to a file was not necessarily indicative of any relationship with the CIA.

The individual who actually placed the restriction on Oswald's file testified that this was done simply to allow her to remain aware of any developments that might have occurred with regard to the file. (*52*) The restriction achieved this purpose because any person seeking access to the file would first have to notify the restricting officer, at which time the officer would be apprised of any developments.

This testimony was confirmed by a CIA records expert who further testified that had the file been permanently charged to a particular desk or case officer, as well as restricted, the possibility of a relationship with the CIA would have been greater. (*53*) There is no indication on Oswald's form that it had been placed on permanent charge.

Finally, the committee reviewed the files of four other defectors that had been opened at the same time and by the same person as Oswald's, and determined that each of the files had been similarly restricted. Each of these other individuals was on the lists of defectors that had been exchanged by the CIA and State Department. None of the files pertaining to these other defectors had any evidence suggestive of a possible intelligence agency association.

(8) *Were 37 documents missing from Oswald's 201 file?*—In the course of reviewing Oswald's 201 file, the committee discovered an unsigned memorandum to the Chief of Counterintelligence, Research and Analysis, dated February 20, 1964, which stated that 37 documents were missing from Oswald's 201 file. (*54*) According to the memorandum, this statement was based on a comparison of a machine listing of documents officially recorded as being in the 201 file and those documents actually physically available in the file. (*55*) While the memorandum mentioned that such a machine listing was attached, no such attachment was found in the 201 file at the time of the committee's

[11] The CIA, after considering this witness' recollection of the origin of the AG code, adhered to its original position regarding this issue.

review. The memorandum itself bears the classification "Secret Eyes Only" and was one of the documents that had been fully withheld from release under the Freedom of Information Act. (*56*)

In response to a committee inquiry, the CIA advised that, because Oswald's file had been so active during the course of the Warren Commission investigation, up-to-date machine listings were produced periodically. On this basis, the Agency stated that

> * * * it must be assumed that whoever was responsible for maintaining the Oswald file brought this file up-to-date by locating the 37 documents and placing them in the file. (*57*)

Because this response was incomplete, the author of the memorandum was deposed. He testified that once a document had been registered into a 201 file by the Agency's computer system, physical placement of the document in the file was not always necessary. (*58*) On this basis, he explained, the items listed in the memorandum were not missing but rather had either been routinely placed in a separate file because of their sensitivity or were being held by other individuals who needed them for analytical purposes. (*59*) He further stated that in the course of his custodianship of Oswald's file, he had requested perhaps as many as 100 computer listings on the contents of the Oswald file. While there had been many instances in which one or more documents had been charged out to someone, he stated that he had never discovered that any documents were actually missing. (*60*) According to his testimony, the 37 documents were, in fact, available, but they were not located in the file at the time. (*61*) The committee regarded this to be a plausible explanation.

(9) *Did the CIA maintain a dual filing system on Oswald?*—The committee was aware of the possibility that a dual filing system (one innocuous file and one that contained operational detail of a relationship with the CIA) could have been used to disguise a possible relationship between Oswald and the Agency. This awareness became a concern with the discovery that at least two Agency officers had contemplated the use of faked files and forged documents to protect the ZR Rifle project from disclosure.[12] (*62*) The implications of this discovery in terms of the possibility that the Oswald file might also have been faked were disturbing to the committee.

In the Oswald case, two items were scrutinized because they were potentially indicative of a dual filing system. The first was a photograph of Oswald that had been taken in Minsk in 1961; the second was a copy of a letter that had been written to Oswald by his mother during his stay in the Soviet Union. At the time of President Kennedy's assassination, both of these items were in the CIA's possession, but neither was in Oswald's 201 file.

The photograph of Oswald taken in Minsk shows him posing with several other people. According to the CIA, the picture was found after the assassination as a result of a search of the Agency's graphics files for materials potentially relevant to Oswald's stay in the Soviet

[12] ZR Rifle was an executive action (assassination of foreign leader) program unrelated to the Oswald case. Former CIA Director Helms testified that the assassination aspect of ZR Rifle was never implemented and, in fact, was discontinued as soon as it was brought to his attention. (*63*)

Union.(*64*) The Agency advised that this photograph, as well as several others not related to Oswald, were routinely obtained in 1962 from some tourists by the CIA's Domestic Contacts Division, an Agency component that regularly sought information on a nonclandestine basis from Americans traveling abroad in Communist countries. (*65*)

Committee interviews with the tourists in question confirmed that the photograph, along with 159 other photographic slides, had routinely been made available to the Domestic Contacts Division. Neither tourist had heard of Oswald prior to the assassination or knew which photographs had been of interest to the Agency.(*66*)

CIA records indicate that only 5 of the 160 slides initially made available were retained.(*67*) Committee interviews with the two CIA employees who had handled the slides for the Domestic Contacts Division established that Oswald had not been identified at the time that these photographic materials were made available.(*68*) One of these employees stated that the Oswald picture had been retained because it depicted a Soviet Intourist guide; the other employee indicated that the picture had been kept because it showed a crane in the background.(*69*) Of these two employees, the one who worked at CIA headquarters (and therefore was in a position to know) indicated that the photograph of Oswald had not been discovered until a post-assassination search of the Minsk graphics file for materials pertaining to Oswald.(*70*)

Accordingly, this photograph was not evidence that the CIA maintained a dual filing system with respect to Oswald. The picture apparently was kept in a separate file until 1964, when Oswald was actually identified to be one of its subjects.

The committee's investigation of a copy of a letter to Oswald from his mother that was in the Agency's possession similarly did not show any evidence of a dual filing system. This letter, dated July 6, 1961, and sent by Marguerite Oswald, was intercepted as a result of a CIA program (*71*) known as HT-Lingual,[13] the purpose of which was to obtain intelligence and counterintelligence information from letters sent between the United States and Russia. Typically, intercepted letters and envelopes would be photographed and then returned to the mails.(*72*)

In response to a committee inquiry, the CIA explained that because of HT-Lingual's extreme sensitivity, all materials generated as a result of mail intercepts were stored in a separate project file that was maintained by the counterintelligence staff.(*73*) Consequently, such items were not placed in 201 files. This explanation was confirmed by the testimony of a senior officer from the counterintelligence staff who had jurisdiction over the HT-Lingual project files.[14](*74*)

(10) *Did Oswald ever participate in a CIA counterintelligence project?*—The committee's review of HT-Lingual files pertaining to

[13] The HT-Lingual program was no longer in effect in 1978. Prior to that time, it had been found to be illegal.

[14] Since Oswald was known to have sent or received more than 50 communications during his stay in the Soviet Union, the committee also questioned why the Agency ostensibly had just one letter in its possession directly related to Oswald. In essence, the Agency's response suggested that HT-Lingual only operated 4 days a week, and, even then, proceeded on a sampling basis.

the Oswald case [15] resulted in the discovery of reproductions of four index cards, two with reference to Lee Harvey Oswald and two to Marina Oswald, which were dated after the assassination of President Kennedy. The pages containing the reproductions of these cards were stamped "Secret Eyes Only." (*75*)

The first card regarding Lee Harvey Oswald, dated November 9, 1959, states that Oswald is a recent defector to the U.S.S.R. and a former marine. It also bears the notation "CI/Project/RE" and some handwritten notations. (*76*) The second card on Oswald places him in Minsk. It contains background information on him and states that he "reportedly expresses a desire for return to the United States under certain conditions." This card is dated August 7, 1961, and also bears the notation "Watch List." (*77*) These cards, particularly the reference to "CI/Project/RE," raised the question of whether Oswald was, in fact, involved in some sort of counterintelligence project for the CIA.

The committee questioned former employees of the CIA who may have had some knowledge pertaining to the HT-Lingual project in general and these cards in particular. Some of these employees recognized the cards as relating to the HT-Lingual project, but were unable to identify the meaning of the notation, "CI/Project/RE." (*78*)

One employee, however, testified that the "CI Project" was "simply a name of convenience that was used to describe the HT-Lingual project"; (*79*) another testified that "CI Project" was the name of the component that ran the HT-Lingual project. This person also explained that "RE" represented the initials of a person who had been a translator of foreign language documents and that the initials had probably been placed there so that someone could come back to the translator if a question arose concerning one of the documents. (*80*) Another employee indicated that the "Watch List" notation on the second card referred to persons who had been identified as being of particular interest with respect to the mail intercept program. (*81*)

The committee requested the CIA to provide an explanation for the terms "CI/Project/RE" and "Watch List" and for the handwritten notations appearing on the index cards. In addition, the committee requested a description of criteria used in compiling a "Watch List."

With respect to the meaning of the notation "CI/Project/RE," the CIA explained that there existed an office within the counterintelligence staff that was known as "CI/Project," a cover title that had been used to hide the true nature of the office's functions. In fact, this office was responsible for the exploitation of the material produced by the HT-Lingual project. The Agency further explained that "RE" represented the initials of a former employee. (*82*)

In responding to a request for the criteria used in compiling a "Watch List," the CIA referred to a section of the "Report to the President by the Commission on CIA Activities Within the United States," which states:

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[15] Although the Agency had only one Oswald letter in its possession, the HT-Lingual files were combed after the assassination for additional materials potentially related to him. Approximately 30 pieces of correspondence that were considered potentially related to the investigation of Oswald's case (even though not necessarily directly related to Oswald) were discovered. None of these was ultimately judged by the CIA to be of any significance. These materials, however, were stored in a separate Oswald HT-Lingual file.

> Individuals or organizations of particular intelligence interest (one should also add counterintelligence interest) were specified in watch lists provided to the mail project by the counterintelligence staff, by other CIA components, and by the FBI. The total number of names on the Watch List varied, from time to time, but on the average, the list included approximately 300 names, including about 100 furnished by the FBI. The Watch List included the names of foreigners and of U.S. citizens. (*83*)

Thus, the full meaning of the notation is that on November 9, 1959, an employee whose initials were RE placed Oswald's name on the "Watch List" for the HT-Lingual project for the reason stated on the card—that Oswald was a recent defector to the U.S.S.R. and a former Marine. (*84*)

The response went on to state that the handwritten number, No. 7–305, which also appears on the first card, is a reference to the communication from the CI staff to the Office of Security expressing the CI staff's interest in seeing any mail to or from Oswald in the Soviet Union. Finally, the other handwritten notation, "N/R–RI, 20 Nov. 59" signifies that a name trace run through the central records register indicates that there was no record for Lee Oswald as of that date.[16] (*85*)

The Agency's explanation of the meaning of the second card was that on August 7, 1961, the CIA staff officer who opened the Oswald 201 file requested that Oswald's name be placed on the "Watch List" because of Oswald's expressed desire to return to the United States, as stated on the card. The handwritten notation indicates, in this instance, that Oswald's name was deleted from the "Watch List" on May 28, 1962. (*86*)

With reference to the two cards on Marina Oswald, the Agency stated that her name was first placed on the "Watch List" on November 26, 1963, because she was the wife of Lee Harvey Oswald. The second card served the purpose of adding the name Marina Oswald Porter to the "Watch List" on June 29, 1965, after she had remarried. Both names were deleted from the list as of May 26, 1972. (*87*)

Thus the statements of former CIA employees were corroborated by the Agency's response regarding the explanation of the index cards in the CIA's HT-Lingual files pertaining to Oswald. The explanations attested that the references on the cards were not demonstrative of an Agency relationship with Oswald, but instead were examples of notations routinely used in connection with the HT-Lingual project.

(11) *Did the CIA ever debrief Oswald?*—The CIA has denied ever having had any contact with Oswald, (*88*) and its records are consistent with this position. Because the Agency has a Domestic Contacts Division that routinely attempts to solicit information on a nonclandestine basis from Americans traveling abroad, (*89*) the absence of any record indicating that Oswald, a returning defector who had worked in a Minsk radio factory, had been debriefed has been con-

[16] This, of course, is contrary to the Agency's record that indicates the receipt of a telegram concerning Oswald on Oct. 31, 1959, and of two telegrams from the Navy concerning him on Nov. 3 and 4, 1959.

sidered by Warren Commission critics to be either inherently unbelievable (that is, the record was destroyed) or indicative that Oswald had been contacted through other than routine Domestic Contact Division channels. (*90*)

After reviewing the Agency's records pertaining to this issue, the committee interviewed the former chief of an Agency component responsible for research related to clandestine operations within the Soviet Union. He had written a November 25, 1963, memorandum indicating that, upon Oswald's return from the Soviet Union, he had considered "the laying of interviews [on him] through the [Domestic Contacts Division] or other suitable channels." [17] (*91*) The officer indicated that Oswald was considered suspect because the Soviets appeared to have been very solicitous of him. For this reason, a nonclandestine contact, either by the Domestic Contacts Division or other "suitable channels" such as the FBI or the Immigration and Naturalization Service, was considered. (*92*) The officer stated, however, that to his knowledge no contact with Oswald was ever made. Moreover, if a debriefing had occurred, the officer stated that he would have been informed. Finally, he said that Oswald was considered a potential lead, but only of marginal importance, and therefore the absence of a debriefing was not at all unusual. (*93*)

The committee interviewed five other Agency employees who were in a position to have discussed Oswald in 1962 with the author of this memorandum, including the person who replaced the author of the memorandum as chief of the research section. None of them could recall such a discussion. (*94*) Interviews with personnel from the Soviet Russia Division's clandestine operations section, the visitors program and the clandestine activity research section failed to result in any evidence suggesting that Oswald had been contacted at any time by the CIA. (*96*)

The author of the November 25, 1963, memorandum also informed the committee that the CIA maintained a large volume of information on the Minsk radio factory in which Oswald had worked. This information was stored in the Office of Research and Reports. (*96*)

Another former CIA employee, one who had worked in the Soviet branch of the Foreign Documents Division of the Directorate of Intelligence in 1962, advised the committee that he specifically recalled collecting intelligence regarding the Minsk radio plant. In fact, this individual claimed that during the summer of 1962, he reviewed a contact report from representatives of a CIA field office who had interviewed a former marine who had worked at the Minsk radio plant following his defection to the U.S.S.R. This defector, whom the employee believed may have been Oswald, had been living with his family in Minsk. (*97*)

The employee advised the committee that the contact report had been filed in a volume on the Minsk radio plant that should be retrievable from the Industrial Registry Branch, then a component of the Office of Central Reference. Accordingly, the committee requested that the CIA provide both the contact report and the volume of ma-

[17] The November 25, 1963 memorandum indicates that the possibility of an Oswald contact was discussed during the summer of 1960, but the author indicated that the conversation actually took place during the summer of 1962, shortly before his transfer to a new assignment. During the summer of 1960, the author was not on active assignment.

terials concerning the Minsk radio plant. A review by the committee of the documents in the volumes on the Minsk radio plant, however, failed to locate any such contact report.(*98*)

Since the Minsk radio plant seemed to be a logical subject of CIA concern, the committee theorized that questions about it would have been included in the debriefing of defectors. The committee therefor asked the Agency for a statement regarding its procedures for debriefing defectors. In response, the CIA stated that between 1958 and 1963 it had no procedure for systematically debriefing overseas travelers, including returning defectors. Instead, the Agency relied upon the FBI both to make such contacts and report any significant results.(*99*)

To investigate this question further, the committee reviewed the files of 22 other defectors to the Soviet Union (from an original list of 380) who were born in America and appeared to have returned to the United States between 1958 and 1963.[18] Of these 22 individuals, only 4 were interviewed at any time by the CIA. These four instances tended to involve particular intelligence or counterintelligence needs, but this was not always the case.(*100*)

Based on this file review, it appeared to the committee that, in fact, the CIA did not contact returning defectors in 1962 as a matter of standard operating procedure. For this reason, the absence of any Agency contact with Oswald on his return from the Soviet Union could not be considered unusual, particularly since the FBI did fulfill its jurisdictional obligation to conduct defector interviews.(*101*)

(12) *The Justice Department's failure to prosecute Oswald.*—When Oswald appeared at the U.S. Embassy on October 31, 1959, to renounce his American citizenship, he allegedly threatened to give the Soviets information he had acquired as a Marine Corps radar operator.(*102*) The committee sought to determine why the Justice Department did not prosecute Oswald on his return to the United States for his offer to divulge this kind of information.

A review of Oswald's correspondence with the American Embassy in Moscow indicates that on February 13, 1961, the embassy received a letter in which Oswald expressed a "desire to return to the United States if * * * some agreement [could be reached] concerning the dropping of any legal proceedings against [him]."(*103*) On February 28, 1961, the embassy sought guidance from the State Department concerning Oswald's potential liability to criminal prosecution.(*104*) The State Department, however, responded on April 13, 1961, that it was

> not in a position to advise Mr. Oswald whether upon his desired return to the United States he may be amenable to prosecution for any possible offenses committed in violation of the laws of the United States * * *.(*105*)

In May 1961, Oswald wrote the embassy demanding a "full guarantee" against the possibility of prosecution.(*106*) He visited with Embassy Consul Richard Snyder on July 16, 1961, and denied that he had ever given any information to the Soviets.(*107*) Snyder advised

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[18] An effort was also made to review only the files of those who had defected between 1958 and 1963. Not all of the 22 defectors, however, met this criterion.

Oswald on an informal basis that, while no assurances could be given, the embassy did not perceive any basis for prosecuting him.(*108*)

There is no record that the State Department ever gave Oswald any assurances that he would not be prosecuted. Upon his return to the United States, Oswald was interviewed twice by the FBI. On each occasion, he denied ever having given information to the Soviet Union.(*109*)

In response to a committee request, the Department of Justice indicated that prosecution of Oswald was never considered because his file contained no evidence that he had ever revealed or offered to reveal national defense information to the Soviet Union.(*110*) In a subsequent response, the Department acknowledged the existence of some evidence that Oswald had offered information to the Soviet Union, but stated that there were, nevertheless, serious obstacles to a possible prosecution:

> It [the Department file] does contain a copy of an FBI memorandum, dated July 3, 1961, which is recorded as having been received in the Justice Department's Internal Security Division on December 10, 1963, which states that the files of the Office of Naval Intelligence contained a copy of a Department of State telegram, dated October 31, 1959, at Moscow. The telegram, which is summarized in the FBI report, quoted Oswald as having offered the Soviets any information he had acquired as a radar operator. The FBI report did not indicate that the information to which Oswald had access as a radar operator was classified.
>
> Oswald returned to the United States on June 13, 1962. He was interviewed by the FBI on June 26, 1962, at Fort Worth, Tex., at which time he denied furnishing any information to the Soviets concerning his Marine Corps experiences. He stated that he never gave the Soviets any information which would be used to the detriment of the United States.
>
> In sum, therefore, the only "evidence" that Oswald ever offered to furnish information to the Soviets is his own reported statement to an official at the U.S. Embassy in Moscow. That statement, of course, was contradicted by his denial to the FBI, upon his return to the United States, that he had ever made such an offer.
>
> In the prosecution of a criminal case, the Government cannot establish a prima facie case solely on a defendant's unsupported confession. The Government must introduce substantial independent evidence which would tend to establish the trustworthiness of the defendant's statement. See, *Opper* v. *United States* 348 U.S. 84 (1954).
>
> Accordingly, in the absence of any information that Oswald had offered to reveal classified information to the Soviets, and lacking corroboration of his statement that he had proferred information of any kind to the Russians, we did not consider his prosecution for violation of the espionage statutes, 18 U.S.C. 793, 794.(*111*)

Based upon this analysis, the committee could find no evidence that Oswald received favorable treatment from either the State Department or the Justice Department regarding the possibility of criminal prosecution.

(13) *Oswald's trip to Russia via Helsinki and his ability to obtain a visa in 2 days.*—Oswald's trip from London to Helsinki has been a point of controversy. His passport indicates he arrived in Finland on October 10, 1959. The Torni Hotel in Helsinki, however, had him registered as a guest on that date, although the only direct flight from London to Helsinki landed at 11:33 p.m., that day. According to a memorandum signed in 1964 by Richard Helms, "[i]f Oswald had taken this flight, he could not normally have cleared customs and landing formalities and reached the Torni Hotel downtown by 2400 (midnight) on the same day."(*112*) Further questions concerning this segment of Oswald's trip have been raised because he had been able to obtain a Soviet entry visa within only 2 days of having applied for it on October 12, 1959.(*113*) [19]

The committee was unable to determine the circumstances surrounding Oswald's trip from London to Helsinki. Louis Hopkins, the travel agent who arranged Oswald's initial transportation from the United States, stated that he did not know Oswald's ultimate destination at the time that Oswald booked his passage on the freighter *Marion Lykes.*(*114*) Consequently, Hopkins had nothing to do with the London-to-Helsinki leg of Oswald's trip. In fact, Hopkins stated that had he known Oswald's final destination, he would have suggested sailing on another ship that would have docked at a port more convenient to Russia.(*115*) Hopkins indicated that Oswald did not appear to be particularly well-informed about travel to Europe. The travel agent did not know whether Oswald had been referred to him by anyone.(*116*)

A request for any CIA and Department of Defense files on Louis Hopkins resulted in a negative response. The committee was unable to obtain any additional sources of information regarding Oswald's London-to-Helsinki trip.

The relative ease with which Oswald obtained his Soviet Union entry visa was more readily amenable to investigation. This issue is one that also had been of concern to the Warren Commission.(*117*) In a letter to the CIA dated May 25, 1964, J. Lee Rankin inquired about the apparent speed with which Oswald's Soviet visa had been issued. Rankin noted that he had recently spoken with Abraham Chayes, legal adviser to the State Department, who maintained that at the time Oswald received his visa to enter Russia from the Soviet Embassy in Helsinki, normally at least 1 week would elapse between the time of a tourist's application and the issuance of a visa. Rankin contended that if Chayes' assessment was accurate, then Oswald's ability to obtain his tourist visa in 2 days might have been significant.(*118*)

The CIA responded to Rankin's request for information on July 31, 1964. Helms wrote to Rankin that the Soviet Consulate in Helsinki

[19] Since Oswald arrived in Helsinki on October 10, 1959, which was a Saturday, it is assumed that his first opportunity to apply for a visa would have been on Monday, October 12.

was able to issue a transit visa (valid for 24 hours) to U.S. businessmen within 5 minutes, but if a longer stay were intended, at least 1 week was needed to process a visa application and arrange lodging through Soviet Intourist.(*119*) A second communication from Helms to Rankin, dated September 14, 1964, added that during the 1964 tourist season, Soviet consulates in at least some Western European cities issued Soviet tourist visas in from 5 to 7 days.(*120*)

In an effort to resolve this issue, the committee reviewed classified information pertaining to Gregory Golub, who was the Soviet Consul in Helsinki when Oswald was issued his tourist visa. This review revealed that, in addition to his consular activities, Golub was suspected of having been an officer of the Soviet KGB. Two American Embassy dispatches concerning Golub were of particular significance with regard to the time necessary for issuance of visas to Americans for travel into the Soviet Union. The first dispatch recorded that Golub disclosed during a luncheon conversation that:

> Moscow had given him the authority to give Americans visas without prior approval from Moscow. He [Golub] stated that this would make his job much easier, and as long as he was convinced the American was "all right" he could give him a visa in a matter of minutes * * *.(*121*)

The second dispatch, dated October 9, 1959, 1 day prior to Oswald's arrival in Helsinki, illustrated that Golub did have the authority to issue visas without delay. The dispatch discussed a telephone contact between Golub and his consular counterpart at the American Embassy in Helsinki:

> * * * Since that evening [September 4, 1959] Golub has only phoned [the U.S. consul] once and this was on a business matter. Two Americans were in the Soviet Consulate at the time and were applying for Soviet visas thru Golub. They had previously been in the American consulate inquiring about the possibility of obtaining a Soviet visa in 1 or 2 days. [The U.S. Consul] advised them to go directly to Golub and make their request, which they did. Golub phoned [the U.S. Consul] to state that he would give them their visas as soon as they made advance Intourist reservations. When they did this, Golub immediately gave them their visas * * *.[20](*122*)

Thus, based upon these two factors, (1) Golub's authority to issue visas to Americans without prior approval from Moscow, and (2) a demonstration of this authority, as reported in an embassy dispatch approximately 1 month prior to Oswald's appearance at the Soviet Embassy, the committee found that the available evidence tends to support the conclusion that the issuance of Oswald's tourist visa within 2 days after his appearance at the Soviet Consulate was not indicative of an American intelligence agency connection.[21]

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[20] Evidently Oswald had made arrangements with Intourist. On his arrival at the Moscow railroad station on October 16, he was met by an Intourist representative and taken to the Hotel Berlin where he registered as a student.(*123*)

[21] If anything, Oswald's ability to receive a Soviet entry visa so quickly was more indicative of a Soviet interest in him.

(14) *Oswald's contact with Americans in the Soviet Union.*—Priscilla Johnson McMillan, author of "Marina and Lee," became a subject of the committee's inquiry because she was one of two American correspondents who had obtained an interview with Oswald during his stay in Moscow in 1959. The committee sought to investigate an allegation that her interview with Oswald may have been arranged by the CIA. (*124*)

John McVickar, a consul at the American Embassy, testified that he had discussed Oswald's case with McMillan, and that he thought "* * * she might help us in communicating with him and help him in dealing with what appeared to be a very strong personal problem if she were able to talk with him." (*125*) McVickar stated, however, that he had never worked in any capacity for the CIA, nor did he believe that McMillan had any such affiliation. (*126*) McVickar's State Department and CIA files were consistent with his testimony that he had never been associated with the CIA.

McMillan gave the following testimony about the events surrounding her interview with Oswald. In November 1959, she had returned from a visit to the United States where she covered the Camp David summit meeting between President Eisenhower and Premier Khrushchev. On November 16, 1959, she went to the American Embassy to pick up her mail for the first time since her return to the Soviet Union. The mail pickup facility was in a foyer near the consular office. Consular Officer John A. McVickar came out of this office and welcomed McMillan back to the Soviet Union. They exchanged a few words, and, as she was leaving, McVickar commented that at her hotel was an American who was trying to defect to the Soviet Union. McVickar stated that the American would not speak to "any of us," but he might speak to McMillan because she was a woman. She recalled that as she was leaving, McVickar told her to remember that she was an American. (*127*)

McMillan proceeded to her hotel, found out the American's room number, knocked on his door and asked him for an interview. The American, Lee Harvey Oswald, did not ask her into the room, but he did agree to talk to her in her room later that night. (*128*) No American Government official arranged the actual interview. McMillan met with Oswald just once. She believed that McVickar called her on November 17, the day after the interview, and asked her to supper. That evening they discussed the interview. McVickar indicated a general concern about Oswald and believed that the attitude of another American consular official might have pushed Oswald further in the direction of defection. McVickar indicated a personal feeling that it would be a sad thing for Oswald to defect in view of his age, but he did not indicate that this was the U.S. Government's position. (*129*)

McMillan also testified that she had never worked for the CIA, nor had she been connected with any other Federal Government agency at the time of her interview with Oswald. (*130*) According to an affidavit that McMillan filed with the committee, her only employment with the Federal Government was as a 30-day temporary translator. (*131*)

Finally, McMillan testified that because of her background in Russian studies, she applied for a position with the CIA in 1952 as an

intelligence analyst. The application, however, was withdrawn. (*132*) She acknowledged having been debriefed by an Agency employee in 1962 after returning from her third trip to the Soviet Union, but explained that this contact was in some way related to the confiscation of her notes by Soviet officials. (*133*) [22]

The committee's review of CIA files pertaining to Ms. McMillan corroborated her testimony. There was no indication in these files suggesting that she had ever worked for the CIA. In fact, the Agency did not even debrief her after her first two trips to the Soviet Union. An interview with the former Agency official who had been deputy chief and then chief of the visitors program during the years 1958 to 1961 similarly indicated that McMillan had not been used by the CIA in the program. (*134*)

There was information in McMillan's file indicating that on occasion during the years 1962–65 she had provided cultural and literary information to the CIA. None of this information was, however, suggestive in any way of a clandestine relationship. Accordingly, there was no evidence that McMillan ever worked for the CIA or received the Agency's assistance in obtaining an interview with Oswald.[23]

Richard E. Snyder was the consular official in the U.S. Embassy in Moscow who handled the Oswald case. It was Snyder with whom Oswald had met in 1959 when he sought to renounce his American citizenship. (*135*) Two years later, when Oswald initiated his inquiries about returning to the United States, Snyder again became involved in the case. (*136*) Warren Commission critics have alleged that Snyder was associated in some way with the CIA during his service in the Moscow Embassy. (*137*)

In his committee deposition, Richard Snyder acknowledged that for a 11-month period during 1949–50 he worked for the CIA while he was on the waiting list for a foreign service appointment with the State Department. (*138*) Snyder testified, however, that since resigning from the CIA in March 1950, he had had no contact with the CIA other than a letter written in 1970 or 1971 inquiring about employment on a contractual basis. (*139*) [24]

The committee reviewed Snyder's files at the State Department, Defense Department and the CIA. Both the State Department and Defense Department files are consistent with his testimony. Snyder's CIA file revealed that, at one time prior to 1974, it had been red flagged and maintained on a segregated basis. The file contained a

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[22] In her affidavit McMillan discussed the circumstances surrounding this encounter in some detail: "In November 1962, I had a conversation with a man who identified himself as a CIA employee * * * I agreed to see him in part because the confiscation of my papers and notes had utterly altered my situation—I now had no hope of returning to the U.S.S.R. and was free for the first time to write what I knew. I was preparing a series of articles for The Reporter which would contain the same information about which [the CIA employee] had expressed a desire to talk to me. Finally, during the latter part of my 1962 trip to the U.S.S.R., I had been under heavy surveillance and the KGB knew what Soviet citizens I had seen. Many of those I had talked to for the Reporter articles were Russian 'liberals' (anti-Stalin and pro-Khrushchev). What reprisals might befall those whom I had interviewed I did not know, but since my notes were now part of the KGB files, I felt that it might help them if the CIA knew that which the KGB already knew. My meeting with—the CIA employee—which occurred at the Brattle Inn, Cambridge, was a reversal of my usual effort to avoid contact with the CIA, and the subject matter was confined to my impressions of the Soviet literary and cultural climate."

[23] Nor was there any basis, based on McMillan's testimony, CIA files or evidence provided by McMillan's publisher, Harper and Row, to support the allegation that the CIA financed or was otherwise involved in publishing "Marina and Lee."

[24] Snyder also denied contact with any other intelligence service while active as a foreign service officer.

routing indicator that stated that the file had been red flagged because of a "DCI [Director of Central Intelligence] statement and a matter of cover" concerning Snyder. (*140*)

In response to a committee inquiry, the CIA indicated that the DCI statement presumably refers to comments which former Director Richard Helms had made in 1964 concerning the Oswald case, when Helms was Deputy Director for Plans.[25] The CIA also stated that Snyder's file had been flagged at the request of DDO/CI (Directorate of Operations/Central Intelligence) to insure that all inquiries concerning Snyder would be referred to that office. The Agency was unable to explain the reference to "cover," because, according to its records, Snyder had never been assigned any cover while employed. Further, the Agency stated that "[t]here is no record in Snyder's official personnel file that he ever worked, directly or indirectly, in any capacity for the CIA after his resignation on 26 September 1950." (*142*)

The committee did not regard this explanation as satisfactory, especially since Snyder's 201 file indicated that for approximately 1 year during 1956–57 he had been used by an Agency case officer as a spotter at a university campus because of his access to others who might be going to the Soviet Union, nor was the Agency able to explain specifically why someone considered it necessary to red flag the Snyder file.

The remainder of the Snyder file, however, is consistent with his testimony before the committee concerning the absence of Agency contacts. In addition, the CIA personnel officer who handled Snyder's case in 1950 confirmed that Snyder had, in fact, terminated his employment with the CIA at that time. Moreover, he added that Snyder had gone to the State Department as a bona fide employee without any CIA ties. (*143*) This position was confirmed by a former State Department official who was familiar with State Department procedures regarding CIA employees. In addition, this individual stated that at no time from 1959 to 1963 did the CIA use the State Department's overseas consular positions as cover for CIA intelligence officers. (*144*)

The CIA's failure to explain adequately the red-flagging of Snyder's file was extremely troubling to the committee. Even so, based on Snyder's sworn testimony, the review of his file and the statements of his former personnel officer, a finding that he was in contact with Oswald on behalf of the CIA was not warranted.

Dr. Alexis H. Davison was the U.S. Embassy physician in Moscow from May 1961 to May 1963. In May 1963, the Soviet Union declared him persona non grata in connection with his alleged involvement in the Penkovsky case. (*145*) After the assassination of President Kennedy, it was discovered that the name of Dr. Davison's mother, Mrs. Hal Davison, and her Atlanta address were in Oswald's address book under the heading "Mother of U.S. Embassy Doctor." (*146*) In addition, it was determined that the flight that Oswald, his wife and child took from New York to Dallas on June 14, 1962, had stopped in Atlanta. (*147*) For this reason, it has been alleged that Dr. Davison was Oswald's intelligence contact in Moscow. (*148*)

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[25] Responding to a newspaper allegation that Oswald had met with CIA representatives in Moscow, Richard Helms wrote a memorandum to the Warren Commission on March 18, 1964, in which he stated the "desire to state for the record that the allegation carried in this press report is utterly unfounded as far as the CIA is concerned." (*141*)

In a committee interview, Dr. Davison stated that he had been a physician in the U.S. Air Force and was stationed in Moscow as the U.S. Embassy physician from May 1961 to May 1963. In this capacity, it was his duty to perform physical examinations on all Soviet immigrants to the United States. He recalled that most of these immigrants were elderly, but he remembers two young women, one who was a mathematics teacher from the south of Russia and one who was married to an American. The individual who was married to the American was frightened by the prospect of going to the United States. She stated that she was going to Texas with her husband. Davison told her that if she and her husband traveled through Atlanta on their way to Texas, his mother, a native-born Russian, would be happy to see her. He gave his mother's name and address in Atlanta to the woman's husband, who was "scruffy looking." This was not an unusual thing to do, since his family had always very hospitable to Russians who visited Atlanta. In retrospect, he assumed that he gave his mother's name and address to either Lee or Marina Oswald, but he was uncertain about this. (*149*)

After the assassination of President Kennedy, Davison was interviewed first by a Secret Service agent and later by an FBI agent in connection with the entry of his mother's name and address in Oswald's address book. The FBI agent also interviewed Davison's mother, Natalia Alekseevna Davison. Davison indicated that the Secret Service and the FBI were the only Government agencies to interview him about his contact with the Oswalds. (*150*)

Davison stated that in connection with his assignment as U.S. Embassy physician in Moscow, he had received some superficial intelligence training. This training mainly involved lectures on Soviet life and instructions on remembering and reporting Soviet names and military activities. (*151*)

Davison admitted his involvement in the Penkovsky spy case. During his tour of duty in Moscow, Davison was asked by an Embassy employee, whose name he no longer remembered, to observe a certain lamppost on his daily route between his apartment and the Embassy and to be alert for a signal by telephone. Davison agreed. According to his instructions, if he ever saw a black chalk mark on the lamppost, or if he ever received a telephone call in which the caller blew into the receiver three times, he was to notify a person whose name he also no longer remembered. He was told nothing else about the operation. Davison performed his role for approximately 1 year. On just one occasion, toward the end of his stay in the Soviet Union, he observed the mark on the lamppost and his wife received the telephone signal. As instructed, he reported these happenings. Shortly thereafter, the Soviets reported that they had broken the Penkovsky spying operation. The Soviets declared Davison persona non grata just after he left Moscow, his tour of duty having ended. He did not recall any intelligence debriefings on the Penkovsky case. (*152*)

Davison denied under oath participating in any other intelligence work during his tour in Moscow. (*153*) The deputy chief of the CIA's Soviet Russia clandestine activities section from 1960 to 1962 confirmed Davison's position, characterizing his involvement in the Penkovsky case as a "one shot" deal. (*154*) In addition, a review of Davison's CIA

and Department of Defense files showed them to be consistent with his committee testimony.

Accordingly, there was insufficient evidence for concluding that Dr. Davison was an intelligence contact for Oswald in Moscow.

(15) *Alleged intelligence contacts after Oswald returned from Russia.*—George de Mohrenschildt was an enigmatic man—a geologist-businessman who befriended Oswald in Texas in 1962,(*155*) thus causing considerable speculation based on the contrasting backgrounds of the two men. De Mohrenschildt, who committed suicide in 1977, was sophisticated and well educated, a man who moved easily among wealthy Texas oilmen and a circle of white Russians in Dallas, many of whom were avowed conservatives. Oswald, because of his background and his Marxist ideological positions, was shunned by most of the people de Mohrenschildt counted among his friends.

In his Warren Commission testimony, de Mohrenschildt stated that he believed he had discussed Oswald with J. Walton Moore, whom he described as "a Government man—either FBI or Central Intelligence."(*156*) He said that Moore was known as the head of the FBI in Dallas, and that Moore had interviewed him in 1957 when he returned from a trip to Yugoslavia. (*157*) De Mohrenschildt indicated that he had asked Moore and Fort Worth attorney Max Clark about Oswald, to reassure himself that it was "safe" for the de Mohrenschildts to assist him and was told by one of these persons, "The guy seems to be OK."(*158*) This admitted association with J. Walton Moore, an employee of the CIA, gave rise to the question of whether de Mohrenschildt had contacted Oswald on behalf of the CIA.(*159*)

In 1963, J. Walton Moore was employed by the CIA in Dallas in the Domestic Contacts Division.(*160*) According to Moore's CIA personnel file, he had been assigned to the division in 1948. During the period April 1, 1963, to March 31, 1964, he was an overt CIA employee assigned to contact persons traveling abroad for the purpose of eliciting information they might obtain. He was not part of a covert or clandestine operation.

In an Agency memorandum dated April 13, 1977, contained in de Mohrenschildt's CIA file, Moore set forth facts to counter a claim that had been recently made by a Dallas television station that Oswald had been employed by the CIA and that Moore had known him. In that memorandum, Moore was quoted as saying that, according to his records, the last time he had talked with de Mohrenschildt was in the fall of 1961. Moore said that he had no recollection of any conversation with de Mohrenschildt concerning Oswald. The memorandum also said that Moore recalled only two occasions when he had met de Mohrenschildt—first, in the spring of 1958, to discuss a mutual interest in China; and then in the fall of 1961, when de Mohrenschildt and his wife showed films of their Latin American walking trip.(*161*)

Other documents in de Mohrenschildt's CIA file, however, indicated more contact with Moore than was stated in the 1977 memorandum. In a memorandum dated May 1, 1964, submitted to the Acting Chief of the Domestic Contacts Division of the CIA, Moore stated that he had known de Mohrenschildt and his wife since 1957, at which time Moore obtained biographical data on de Mohrenschildt following his trip to Yugoslavia for the International Cooperation Administration. Moore

also wrote in that 1964 memorandum that he had seen de Mohrenschildt several times in 1958 and 1959. De Mohrenschildt's CIA file contained several reports submitted by de Mohrenschildt to the CIA on topics concerning Yugoslavia.(*162*)

De Mohrenschildt testified before the Warren Commission that he had never been in any respect an intelligence agent.(*163*) Further, the committee's interview with Moore and its review of the CIA's Moore and de Mohrenschildt files showed no evidence that de Mohrenschildt had ever been an American intelligence agent. (In this regard, the committee noted that during 1959–63, upon returning from trips abroad, as many as 25,000 Americans annually provided information to the CIA's Domestic Contacts Division on a nonclandestine basis.(*164*) Such acts of cooperation should not be confused with an actual Agency relationship).[26]

Prior to visiting Mexico in September 1963, Oswald applied in New Orleans for a Mexican tourist card. The tourist card immediately preceding his in numerical sequence was issued on September 17, 1963, (*167*) to William G. Gaudet, a newspaper editor. Two days later, Gaudet departed on a 3- or 4-week trip to Mexico and other Latin American countries.(*168*) This happened to coincide with Oswald's visit to Mexico City between September 27, 1963, and October 3, 1963.(*169*) After the assassination, Gaudet advised the FBI during an interview that he had once been employed by the CIA.(*170*) Speculation about Gaudet's possible relationship with Oswald arose when it was discovered that the Warren Commission Report contained a list, provided by the Mexican Government, purporting to include all individuals who had been issued Mexican tourist cards at the same time as Oswald, a list that omitted Gaudet's name.(*171*)

In a committee deposition, Gaudet testified that his contact with the CIA was primarily as a source of information (obtained during his trips abroad). In addition, he explained that he occasionally performed errands for the Agency.(*172*) Gaudet stated that his last contact with the CIA was in 1969, although the relationship had never been formally terminated.(*173*)

The committee reviewed Gaudet's CIA file but found neither any record reflecting a contact between him and the Agency after 1961, nor any indication that he had "performed errands" for the CIA. A memorandum, dated January 23, 1976, also indicated the absence of any further contact after this time:

> The Domestic Collections Division (DCD) has an inactive file on William George Gaudet, former editor and publisher of the Latin American Report. The file shows that Gaudet was a source of the New Orleans DCD (Domestic Contacts Division) Resident Office from 1948 to 1955 during which period he provided foreign intelligence information on Latin American political and economic conditions resulting from his extensive travel in South and Central America in pursuit

[26] De Mohrenschildt's file also contains a reference to an occasion when he may have been involved in arranging a meeting between a Haitian bank officer and a CIA or Department of Defense official.(*165*) The Department of Defense official, when interviewed by the committee, stated that the meeting was arranged by Department of Defense officials and that de Mohrenschildt's presence (in the company of his wife) was unanticipated. (*166*) The committee did not regard this incident as evidence of a CIA relationship.

of journalistic interests. The file further indicates that Gaudet was a casual contact of the New Orleans Office between 1955 and 1961 when, at various times, he furnished fragmentary intelligence.(*174*)

Gaudet said he could not recall whether his trip to Mexico and other Latin American countries in 1963 involved any intelligence-related activity.(*175*) He was able to testify, however, that during that trip he did not encounter Oswald, whom he had previously observed on occasion at the New Orleans Trade Mart.(*176*) [27] Gaudet stated that he was unaware at the time his Mexican tourist card was issued that it immediately preceded Oswald's, and he could not recall having seen Oswald on that day.(*177*) Finally, Gaudet said he did not have any information concerning the omission of his name from the list published in the Warren Commission Report.(*178*)

Based upon this evidence, the committee did not find a basis for concluding that Gaudet had contacted Oswald on behalf of the CIA. Although there was a conflict between Gaudet's testimony and his CIA file concerning the duration of his Agency contacts as well as the performance of errands, there was no indication from his file or testimony that Gaudet's cooperation involved clandestine activity. Again, it should be stressed that the Domestic Contacts Division, which was the Agency component that was in touch with Gaudet, was not involved in clandestine operations.

(16) *Alleged intelligence implications of Oswald's military service.*—The committee reviewed Oswald's military records because of allegations that he had received intelligence training and had participated in intelligence operations during his term of Marine service.(*179*) Particular attention was given to the charges that Oswald's early discharge from the corps was designed to serve as a cover for an intelligence assignment and that his records reflected neither his true security clearance nor a substantial period of service in Taiwan. These allegations were considered relevant to the question of whether Oswald had been performing intelligence assignments for military intelligence, as well as to the issue of Oswald's possible association with the CIA.

Oswald's Marine Corps records bear no indication that he ever received any intelligence training or performed any intelligence assignments during his term of service. As a Marine serving in Atsugi, Japan, Oswald had a security clearance of confidential, but never received a higher classification.(*180*) In his Warren Commission testimony, John E. Donovan, the officer who had been in charge of Oswald's crew at the El Toro Marine base in California, stated that all personnel working in the radar center were required to have a minimum security clearance of secret.(*181*) Thus, the allegation has been made that the security clearance of confidential in Oswald's records is inaccurate. The committee, however, reviewed files belonging to four enlisted men who had worked with Oswald either in Japan or California and found that each of them had a security clearance of confidential.(*182*) [28]

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[27] Gaudet testified that he had never met Oswald, although he had known of him prior to the assassination because Oswald had distributed literature near his office. Gaudet also stated that on one occasion he observed Oswald speaking to Guy Bannister on a street corner.

[28] John E. Donovan, Oswald's commanding officer, did have a security clearance of secret.

It has been stated that Oswald claimed to have served in Taiwan. (*183*) The committee's review of his military records, including unit diaries that were not previously studied by the Warren Commission, indicated, however, that he had not spent substantial time, if any, in Taiwan. These records show that, except for a 3½ month period of service in the Philippines, Oswald served in Japan from September 12, 1957, until November 2, 1958. (*184*) Although Department of Defense records do indicate that MAG (Marine Air Group) 11, Oswald's unit, was deployed to Taiwan on September 16, 1958, and remained in that area until April 1959, an examination of the MAG 11 unit diaries indicated that Oswald was assigned at that time to a rear echelon unit. (*185*) The term rear echelon does not, on its face, preclude service with the main unit in Taiwan, but the Department of Defense has specifically stated that "Oswald did not sail from Yokosuka, Japan on September 16, 1958. He remained aboard NAS Atsugi as part of the MAG–11 rear echelon." [29] (*186*)

Oswald's records also reflect that on October 6, 1958, he was transferred within MAG 11 to a Headquarters and Maintenance Squadron subunit in Atsugi, Japan. (*187*) He reportedly spent the next week in the Atsugi Station Hospital. (*188*) On November 2, 1958, Oswald left Japan for duty in the United States. (*189*)

Accordingly, based upon a direct examination of Oswald's unit diaries, as well as his own military records, it does not appear that he had spent any time in Taiwan. This finding is contrary to that of the Warren Commission that Oswald arrived with his unit in Taiwan on September 30, 1958, and remained there somewhat less than a week, (*190*) but the Commission's analysis apparently was made without access to the unit diaries of MAG 11.[30]

Moreover, even if Oswald, in fact, did make the trip with his unit to Taiwan, it is clear that any such service there was not for a substantial time. The unit arrived at Atsugi on September 30, 1958, and by November 2, 1958, Oswald had left from Japan to complete his tour of duty in the United States. (*192*)

Finally, with one exception, the circumstances surrounding Oswald's rapid discharge from the military do not appear to have been unusual. Oswald was obligated to serve on active duty until December 7, 1959, but on August 17 he applied for a hardship discharge to support his mother. About 2 weeks later the application was approved. (*193*) [31]

It appeared that Oswald's hardship discharge application was processed so expeditiously because it was accompanied by all of the necessary documentation. In response to a committee inquiry, the Department of Defense stated that "... to a large extent, the time involved in processing hardship discharge applications depended on how well the individual member had prepared the documentation needed for

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[29] This is contrary to statements attributed to Lieutenant Charles R. Rhodes by Edward J. Epstein in his book, "The Secret World of Lee Harvey Oswald." Rhodes maintains, according to Epstein, that Oswald did make the trip with the main unit but was sent back to Japan on October 6, 1958.

[30] Similarly, a message sent on November 4, 1959, from the Chief of Naval Operations concerning Oswald, which states that he had "served with Marine Air Control Squadrons in Japan and Taiwan." (*191*) may have been issued without checking unit diaries which indicated that Oswald had not been so deployed.

[31] By September 4, 1959, Oswald had been informed that he would be discharged on September 11, 1959. (*194*) This explains why he was able to tell passport officials on that day that he expected to depart the United States for Europe on September 21, 1959.

consideration of his or her case."(*195*) A review of Oswald's case indicates that his initial hardship discharge application was accompanied by all of the requisite documentation. Oswald had met the preliminary requirements of having made a voluntary contribution to the hardship dependent (his mother) and of applying for a dependent's quarters allotment [32] to alleviate the hardship.(*196*) Even though all of the supporting affidavits for the quarters allotment had not been submitted at the time that the hardship discharge application was filed, the endorsements on the application indicated that the reviewing officers were aware that both the requisite voluntary contribution and the application for a quarters allotment had been made.(*197*) Moreover, that application was accompanied by two letters and two affidavits attesting to Marguerite Oswald's inability to support herself.(*198*)

Documents provided to the committee by the American Red Cross indicate that Oswald had sought its assistance and therefore was probably well advised on the requisite documentation to support his claim.(*199*) Indeed, Red Cross officials interviewed Marguerite Oswald and concluded that she "could not be considered employable from an emotional standpoint."(*200*) The Fort Worth Red Cross office indicated a quarters allotment was necessary for Marguerite Oswald, rather than a hardship discharge for Lee, and assisted her in the preparation of the necessary application documents.(*201*) Nevertheless, Oswald informed the Red Cross office in El Toro, Calif., where he was then stationed, that he desired to apply for a hardship discharge.(*202*)

The unusual aspect of Oswald's discharge application was that, technically, his requisite application for a quarters allowance for his mother should have been disallowed because Marguerite's dependency affidavit stated that Oswald had not contributed any money to her during the preceding year.(*203*) Even so, the first officer to review Oswald's application noted in his endorsement, dated August 19, 1959, that "[a] genuine hardship exists in this case, and in my opinion approval of the 'Q' [quarters] allotment will not sufficiently alleviate this situation."(*204*) This quotation suggests the possibility that applications for quarters allotments and hardship discharges are considered independently of one another. In addition, six other officers endorsed Oswald's application.(*205*) The committee was able to contact three of the seven endorsing officers (one had died); two had no memory of the event,(*206*) and one could not recall any details.(*207*) The committee considered their absence of memory to be indicative of the Oswald case having been handled in a routine manner.

Based on this evidence, the committee was not able to discern any unusual discrepancies or features in Oswald's military record.

(*17*) *Oswald's military intelligence file.*—On November 22, 1963, soon after the assassination, Lieutenant Colonel Robert E. Jones, operations officer of the U.S. Army's 112th Military Intelligence Group (MIG), Fort Sam Houston, San Antonio, Tex., contacted the FBI offices in San Antonio and Dallas and gave those offices detailed information concerning Oswald and A. J. Hidell, Oswald's alleged alias.(*208*) This information suggested the existence of a military intelli-

[32] A dependent's quarters allotment is one that is jointly paid to the dependent by the serviceman and the service.

gence file on Oswald and raised the possibility that he had intelligence associations of some kind. (*209*)

The committee's investigation revealed that military intelligence officials had opened a file on Oswald because he was perceived as a possible counterintelligence threat. Robert E. Jones testified before the committee that in June 1963 he had been serving as operations officer of the 112th Military Intelligence Group at Fort Sam Houston, Tex.[33] Under the group's control were seven regions encompassing five States: Texas, Louisiana, Arkansas, New Mexico and Oklahoma. Jones was directly responsible for counterintelligence operations, background investigations, domestic intelligence and any special operations in this five-State area. (*210*) He believed that Oswald first came to his attention in mid-1963 through information provided to the 112th MIG by the New Orleans Police Department to the effect that Oswald had been arrested there in connection with Fair Play for Cuba Committee activities. (*211*) As a result of this information, the 112th Military Intelligence Group took an interest in Oswald as a possible counterintelligence threat. (*212*) It collected information from local agencies and the military central records facility, and opened a file under the names Lee Harvey Oswald and A. J. Hidell. (*213*) Placed in this file were documents and newspaper articles on such topics as Oswald's defection to the Soviet Union, his travels there, his marriage to a Russian national, his return to the United States, and his pro-Cuba activities in New Orleans. (*214*)

Jones related that on November 22, 1963, while in his quarters at Fort Sam Houston, he heard about the assassination of President Kennedy. (*215*) Returning immediately to his office, he contacted MIG personnel in Dallas and instructed them to intensify their liaisons with Federal, State and local agencies and to report back any information obtained. Early that afternoon, he received a telephone call from Dallas advising that an A. J. Hidell had been arrested or had come to the attention of law enforcement authorities. Jones checked the MIG indexes, which indicated that there was a file on Lee Harvey Oswald, also known by the name A. J. Hidell. (*216*) Pulling the file, he telephoned the local FBI office in San Antonio to notify the FBI that he had some information. (*217*) He soon was in telephone contact with the Dallas FBI office, to which he summarized the documents in the file. He believed that one person with whom he spoke was FBI Special-Agent-in-Charge J. Gordon Shanklin. He may have talked with the Dallas FBI office more than one time that day. (*218*)

Jones testified that his last activity with regard to the Kennedy assassination was to write an "after action" report that summarized the actions he had taken, the people he had notified and the times of notification. (*219*) In addition, Jones believed that this "after action" report included information obtained from reports filed by the 8 to 12 military intelligence agents who performed liaison functions with the Secret Service in Dallas on the day of the assassination. (*220*) This "after action" report was then maintained in the Oswald file. (*221*) Jones did not contact, nor was he contacted by, any other law enforce-

[33] Questions had been raised about the contents of some FBI communications on November 22, 1963, that reflected information allegedly provided by military intelligence. In his testimony, Jones clarified several points and corrected several errors in these communications.

ment or intelligence agencies concerning information that he could provide on Oswald.(*222*) To Jones' knowledge, neither the FBI nor any law enforcement agency ever requested a copy of the military intelligence file on Oswald.(*223*) To his surprise, neither the FBI, Secret Service, CIA nor Warren Commission ever interviewed him.(*224*) No one ever directed him to withhold any information; on the other hand, he never came forward and offered anyone further information relevant to the assassination investigation because he "felt that the information that [he] had provided was sufficient and . . . a matter of record. . . ."(*225*)

The committee found Jones' testimony to be credible. His statements concerning the contents of the Oswald file were consistent with FBI communications that were generated as a result of the information that he initially provided. Access to Oswald's military intelligence file, which the Department of Defense never gave to the Warren Commission, was not possible because the Department of Defense had destroyed the file as part of a general program aimed at eliminating all of its files pertaining to nonmilitary personnel. In response to a committee inquiry, the Department of Defense gave the following explanation for the file's destruction:

> 1. Dossier AB 652876, Oswald, Lee Harvey, was identified for deletion from IRR (Intelligence Records and Reports) holdings on Julian date 73060 (1 March 1973) as stamped on the microfilmed dossier cover. It is not possible to determine the actual date when physical destruction was accomplished, but is credibly surmised that the destruction was accomplished within a period not greater than 60 days following the identification for deletion. Evidence such as the type of deletion record available, the individual clerk involved in the identification, and the projects in progress at the time of deletion, all indicate the dossier deletion resulted from the implementation of a Department of the Army, Adjutant General letter dated 1 June 1971, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense (DOD) (Incl 1). Basically, the letter called for the elimination of files on non-DOD affiliated persons and organizations.
>
> 2. It is not possible to determine who accomplished the actual physical destruction of the dossier. The individual identifying the dossier for deletion can be determined from the clerk number appearing on the available deletion record. The number indicates that Lyndall E. Harp was the identifying clerk. Harp was an employee of the IRR from 1969 until late 1973, at which time she transferred to the Defense Investigative Service, Fort Holabird, Md., where she is still a civil service employee. The individual ordering the destruction or deletion cannot be determined. However, available evidence indicates that the dossier was identified for deletion under a set of criteria applied by IRR clerks to all files. The basis for these criteria were [sic] established in the 1 June 1971 letter. There is no indication that the dossier was specifically identified for review or deletion. All evidence shows that the file was

reviewed as part of a generally applied program to eliminate any dossier concerning persons not affiliated with DOD.

3. The exact material contained in the dossier cannot be determined at this time. However, discussions with all available persons who recall seeing the dossier reveal that it most probably included: newspaper clippings relating to pro-Cuban activities of Oswald, several Federal Bureau of Investigation reports, and possibly some Army counterintelligence reports. None of the persons indicated that they remember any significant information in the dossier. It should be noted here that the Army was not asked to investigate the assassination. Consequently, any Army-derived information was turned over to the appropriate civil authority.

4. At the time of the destruction of the Oswald dossier, IRR was operating under the records disposal authority contained in the DOD Memorandum to Secretaries of the Military Departments, OASD(A), 9 February 1972, subject: Records Disposal Authority (Incl 2). The memorandum forwards National Archivist disposal criteria which is similar in nature to the requirements outlined in the 1 June 1971 instructions. It was not until 1975 that the Archivist changed the criteria to ensure non-destruction of investigative records that may be of historical value.(*226*)

Upon receipt of this information, the committee orally requested the destruction order relating to the file on Oswald. In a letter dated September 13, 1978, the General Counsel of the Department of the Army replied that no such order existed:

> Army regulations do not require any type of specific order before intelligence files can be destroyed, and none was prepared in connection with the destruction of the Oswald file. As a rule, investigative information on persons not directly affiliated with the Defense Department can be retained in Army files only for short periods of time and in carefully regulated circumstances. The Oswald file was destroyed routinely in accordance with normal files management procedures, as are thousands of intelligence files annually.(*227*)

The committee found this "routine" destruction of the Oswald file extremely troublesome, especially when viewed in light of the Department of Defense's failure to make this file available to the Warren Commission. Despite the credibility of Jones' testimony, without access to this file, the question of Oswald's possible affiliation with military intelligence could not be fully resolved.

(18) *The Oswald photograph in Office of Naval Intelligence files.*—The Office of Naval Intelligence's (ONI) Oswald file contained a photograph of Oswald, taken at the approximate time of his Marine Corps induction. It was contained in an envelope that had on it the language "REC'D 14 November 1963" and "CIA 77978." (*228*) These markings raised the possibility that Oswald had been in some way associated with the CIA.

In response to a committee inquiry, the Department of Defense stated that the photograph had been obtained by ONI as a result of

an October 4, 1963 CIA request for two copies of the most recent photographs of Oswald so that an attempt could be made to verify his reported presence in Mexico City. The requested copies, however, were not made available to the CIA until after the President's assassination.[34] Because of the absence of documentation, no explanation could be given for how or when the Office of Naval Intelligence received this particular photograph of Oswald. (*229*)

The committee's review of CIA cable traffic confirmed that cable No. 77978, dated October 24, 1963, was in fact a request for two copies of the Department of the Navy's most recent photograph of Lee Henry [sic] Oswald. Moreover, review of other cable traffic corroborated the Agency's desire to determine whether Lee Harvey Oswald had, in fact, been in Mexico City. (*230*)

The committee concluded, therefore, that the ONI photograph of Oswald bearing a reference to the CIA, was not evidence that Oswald was a CIA agent. Again, however, the destruction of the military file on Oswald prevented the committee from resolving the question of Oswald's possible affiliation with military intelligence.

(19) *Oswald in Mexico City.*—The committee also considered whether Oswald's activities in Mexico City in the fall of 1963 were indicative of a relationship between him and the CIA. This aspect of the committee's investigation involved a complete review both of alleged Oswald associates and of various CIA operations outside of the United States. (*231*)

The committee found no evidence of any relationship between Oswald and the CIA. Moreover, the Agency's investigative efforts prior to the assassination regarding Oswald's presence in Mexico City served to confirm the absence of any relationship with him. Specifically, when apprised of his possible presence in Mexico City, the Agency both initiated internal inquiries concerning his background and, once informed of his Soviet experience, notified other potentially interested Federal agencies of his possible contact with the Soviet Embassy in Mexico City. (*232*)

Conclusion

Based on the committee's entire investigation, it concluded that the Secret Service, FBI, and CIA were not involved in the assassination. The committee concluded that it is probable that the President was assassinated as a result of a conspiracy. Nothing in the committee's investigation pointed to official involvement in that conspiracy. While the committee frankly acknowledged that its investigation was not able to identify the members of the conspiracy besides Oswald, or the extent of the conspiracy, the committee believed that it did not include the Secret Service, Federal Bureau of Investigation, or Central Intelligence Agency.

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[34] As noted, the military file on Oswald, presumably including the ONI photograph, was destroyed by the Department of Defense.

D. Agencies and Departments of the U.S. Government Performed With Varying Degrees of Competency in the Fulfillment of Their Duties; President John F. Kennedy Did Not Receive Adequate Protection; a Thorough and Reliable Investigation into the Responsibility of Lee Harvey Oswald for the Assassination Was Conducted; the Investigation into the Possibility of Conspiracy in the Assassination Was Inadequate; the Conclusions of the Investigations Were Arrived at in Good Faith, but Presented in a Fashion That Was Too Definitive

1. THE SECRET SERVICE WAS DEFICIENT IN THE PERFORMANCE OF ITS DUTIES

The assassination of President Kennedy was the first and only such crime since the Secret Service was assigned responsibility for full-time protection of the President in 1901, as a result of the assassination of William McKinley.(*1*) When originally formed in 1865, the Secret Service had not been given responsibility for Presidential protection, even though that was the year Lincoln was murdered.(*2*) Its primary purpose was to deal with counterfeiting, which had become a national outrage in the period before 1862 when a standardized national currency was adopted.(*3*) By the end of the 1860's, the new agency had all but eliminated the problem.(*4*)

For the balance of the 19th century, the Secret Service engaged in various criminal detection activities. It investigated the Ku Klux Klan in the 1870's,(*5*) Spanish espionage in the 1890's,(*6*) organized crime in New York City in the 1880's and 1890's,(*7*) and syndicated gambling in Louisiana at the turn of the century.(*8*)

Even with the assignment of Presidential protection as its primary purpose, the Secret Service was not always given the necessary annual appropriations to carry out the task.(*9*) It was not until 1908 that the agency's mission was better defined(*10*) and, at that, for an ironic reason. When the Secret Service exposed the participation in land fraud schemes by Members of Congress from several Western States, legislation was passed restricting the operations of the Agency and creating a new Federal law enforcement body that ultimately would become the Federal Bureau of Investigation.(*11*) Indeed, the original FBI men were eight agents transferred from the Secret Service.(*12*)

The law left the Secret Service with two concerns: Treasury matters, or counterfeiting, and protection of the President.(*13*) On occasion, however, it was given special assignments. During World War I, the Agency was concerned with German saboteurs,(*14*) and in 1921 it investigated the roles of Secretary of the Interior Albert B. Fall and Atty. Gen. Harry M. Daugherty in the Teapot Dome Scandal.(*15*) From about 1930 on, however, the Secret Service was an anticounterfeiting agency with the additional assignment of protecting the President. In its protective role, on only two occasions before November 22, 1963, was it tested by an actual assault on a President.

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In February 1932, the car in which President Roosevelt was riding was fired on in Miami, killing the mayor of Chicago, Anton Cermak.(*16*) In November 1950, members of the Puerto Rican Nationalist Party tried to force their way into Blair House, the temporary home of President Truman.(*17*)

(*a*) *The Secret Service possessed information that was not properly analyzed, investigated, or used by the Secret Service in connection with the President's trip to Dallas; in addition, Secret Service agents in the motorcade were inadequately prepared to protect the President from a sniper.*

President Kennedy posed a problem for the Secret Service from the start. As a policymaker, he was liberal and innovative, startlingly so in comparison with the cautious approach of President Eisenhower.(*18*) His personal style was known to cause agents assigned to him deep concern. He traveled more frequently than any of his predecessors, and he relished contact with crowds of well-wishers. He scoffed at many of the measures designed to protect him and treated the danger of assault philosophically.(*19*) If someone wanted to kill him, he reasoned, it would be very difficult to prevent.(*20*) Commenting on the relationship between the President and the Secret Service, Presidential Assistant Kenneth O'Donnell told Gerald Behn, Special Agent-in-Charge of the White House Detail, "Politics and protection don't mix."(*21*)

The core of the Presidential security arm of the Secret Service is the White House Detail, which in 1963 was composed of 36 special agents.(*22*) In addition, there were six special agent-drivers, eight special agents assigned to the Kennedy family and five special officers detailed to the Kennedy home in Hyannisport, Mass. On the trip to Texas, there were 28 special agents in the Presidential entourage.(*23*)

In all, out of 552 employees in November 1963, there were 70 special agents and 8 clerks—or 14 percent of the total Secret Service work force—assigned to protect the President and Vice President directly or to the Protective Research Section, a preventive intelligence division charged with gathering and evaluating threat information and seeing that it is usefully disseminated.(*24*) In addition, there were 30 employees in the office of the Chief of the Secret Service, plus 313 agents and 131 clerks in 66 field offices, all of whom were on call to assist in Presidential protection.(*25*)

The time when the most manpower was needed in 1963 (as it was in 1978) was when the President traveled and was exposed to crowds of people in open spaces. On such occasions, the Secret Service called on municipal, county, and State law enforcement agencies for personnel who assisted in the preparation of large-scale protective plans.(*26*)

(1) *The committee approach.*—From the beginning of its investigation of the Secret Service, the committee realized the great importance of the Protective Research Section, renamed the Office of Protective Research in October 1965. This office is the memory of the Secret Service and is responsible for analyzing threat data.(*27*) By reviewing PRS files and interviewing its personnel, the committee sought to clarify just how much the Secret Service knew about the nature and degree of the dangers the President faced in the fall of 1963 and to learn what protective tactics had been devised in response to them.

The committee took care to distinguish between major and minor threats to the President in order that it could concentrate on the followup action to the significant ones. A threat was considered major if: (a) it was verbal or communicated by a threatening act, or (b) it created a danger great enough to require either an in-depth and intense investigation by the Secret Service or other law enforcement agency, or a cancellation or alteration of the President's planned trip itinerary.

The committee examined all threat profile investigations from March to December 1963 and incorporated into its analysis information on some major threat activities dating back to March 1961.(*28*)

The committee also considered the following questions in its investigation of Secret Service threat activity files, questions raised by the Kennedy assassination itself:

Were there indications of a conspiracy behind threats to harm persons under Secret Service protection?

Was there information developed in investigations of earlier threats that might have been useful in the investigation of the assassination?

Was the pertinent information in Secret Service files made available to the Warren Commission?

The committee began its investigation of Secret Service performance by reviewing the Warren Commission's findings on it. Although the Commission had considered both the question of intelligence-gathering and threat identification and the question of physical protection, it had relied primarily on a study conducted by the Secret Service in response to the President's assassination and to limited questioning of Secret Service personnel in depositions and hearings. The Commission's findings, in turn, stressed inadequate liaison between the Secret Service and other Government agencies in intelligence-gathering;(*29*) the need for broader criteria and automatic data processing in the assimilation of intelligence data by the Protective Research Section;(*30*) and the need for closer working arrangements between the PRS and the advance survey teams that handled preparations for Presidential trips.(*31*)

With respect to physical protection of the President, the Commission found that some aspects could have been improved, citing specifically the need for closer coordination and clearer definition of responsibilities among Secret Service headquarters, advance and protective detail agents, and local police authorities;(*32*) the failure to arrange for prior inspection of buildings along the motorcade route;(*33*) and a lack of discipline and bad judgment by some members of the Secret Service protective detail in Dallas, who were drinking on the night before the assassination.(*34*)

In its investigation, the committee relied heavily on Protective Research Section files. In addition, it took extensive testimony under oath from agents and officials who occupied pertinent positions in the Secret Service in 1963.

The committee's investigation confirmed that the Warren Commission's suggestions for improved Secret Service performance were well founded. The committee also noted that there were additional issues not addressed by the Warren Commission. One important one not analyzed by the Commission was whether the information that the Secret Service did possess prior to November 22, 1963, was properly

analyzed and acted upon. The committee found that the Secret Service did in fact possess information that was not properly analyzed and disseminated within the Secret Service. Consequently, it was not put to use with respect either to a protective investigation or to physical protection of President Kennedy in advance of the trip to Dallas.

The Warren Commission had found that the Secret Service should have taken a broader view of information that was considered a threat to the President.(*35*) The committee also took a closer look at Secret Service files to see if they contained what could have been recognized as significant threats that were simply overlooked in connection with the Dallas trip.

The committee discovered that the 1963 Protective Research Section files had since been summarized and computerized,(*36*) and the original files then destroyed. The committee thus reviewed the computerized summaries of PRS case files for the period March to December 1963.(*37*) The summaries indicated that during this period, the PRS received information on over 400 possible threats to the President, approximately 20 percent of which could have been attributed to political motivation. The committee then reviewed the trip files for 1963 to determine which threats the Secret Service had recognized as significant.(*38*) Although there are other concepts of significance, the committee decided to limit its review to those that actually caused cancellation of a trip, an alteration of the President's planned itinerary, or an intensive preliminary investigative effort by the Secret Service. By limiting the definition in this way, the committee believed it could reach a clear determination of the manner in which the Secret Service responded to significant threats.

The Secret Service "trip files" actually consisted of two basic documents—a preliminary survey report, reflecting the basic plans for a trip, and a final survey report, prepared after a trip had been completed, and incorporating any changes that had been made in the original plan.(*39*) These files were intended by the Secret Service to reflect principal problems encountered on each trip. A comparison of the preliminary and final reports should have revealed not only alterations of the President's itinerary, but the reasons for such changes. Because the final survey reports did not always reveal the specific nature of threats,(*40*) other files on investigations conducted prior to the President's trips in 1963 were also reviewed, and interviews with agents who worked on each trip were conducted.

(2) *Significant threats in 1963.*—The committee's review determined there were three significant threats to the President in the March to December 1963 period: first, a postcard warned that he would be assassinated while riding in a motorcade—this resulted in additional protection being provided when the President went to Chicago in March;(*41*) second, a threat in connection with a November 2 trip to Chicago that was canceled;(*42*) third, a threat in connection with a trip to Miami on November 18,(*43*)[1] resulting in an extensive preliminary investigation. The nature of the threats on November 2 and November 18 revealed these had been the reason for the Secret Service

[1] A Miami journalist later reported that a decision was made to transport President Kennedy from Miami International Airport to a Miami Beach hotel by helicopter to avoid exposing him to assassins by having him ride in a motorcade. The committee could find no documentation for this report.(*44*)

to have investigated individuals identified with them in terms of future danger to the President.(*45*)

The committee was unable to determine specifically why the President's trip to Chicago, scheduled for November 2, was canceled. The possibilities range from the condition of his health(*46*) to concern for the situation in South Vietnam following the assassination of President Diem(*47*) to the threat received on October 30.(*48*) On that date, the Secret Service learned that an individual named Thomas Arthur Vallee, a Chicago resident who was outspokenly opposed to President Kennedy's foreign policy, was in possession of several weapons.(*49*) Further, Vallee's landlady reported that he had requested time off from his job on November 2.(*50*) Vallee was subsequently interviewed, surveilled and eventually arrested by the Chicago police, who found an M–1 rifle, a handgun and 3,000 rounds of ammunition in his automobile.(*51*) Vallee was released from custody on the evening of November 2.(*52*)

The committee found that the Secret Service learned more about Vallee prior to the President's trip to Dallas on November 22: he was a Marine Corps veteran with a history of mental illness while on active duty;(*53*) he was a member of the John Birch Society(*54*) and an extremist in his criticism of the Kennedy administration;(*55*) and he claimed to be an expert marksman.(*56*) Further, he remained a threat after November 2, because he had been released from jail.(*57*)

The committee also learned that the information the Secret Service obtained on Vallee was not forwarded to the agents responsible for the President's trip to Texas on November 21–22, although it was transmitted to the Protective Research Section upon receipt on October 30.(*58*) The potential significance of Vallee as a threat was illustrated by the Secret Service's reports, which included a notation on November 27, 1963 of the similarity between his background and that of Lee Harvey Oswald,(*59*) and a record of extensive, continued investigation of Vallee's activities until 1968.(*60*)

In addition, the committee obtained the testimony of a former Secret Service agent, Abraham Bolden, who had been assigned to the Chicago office in 1963. He alleged that shortly before November 2, the FBI sent a teletype message to the Chicago Secret Service office stating that an attempt to assassinate the President would be made on November 2 by a four-man team using high-powered rifles, and that at least one member of the team had a Spanish-sounding name.(*61*) Bolden claimed that while he did not personally participate in surveillance of the subjects, he learned about a surveillance of the four by monitoring Secret Service radio channels in his automobile and by observing one of the subjects being detained in his Chicago office.(*62*)

According to Bolden's account, the Secret Service succeeded in locating and surveillance two of the threat subjects who,(*63*) when they discovered they were being watched, were arrested and detained on the evening of November 1 in the Chicago Secret Service office.(*64*)

The committee was unable to document the existence of the alleged assassination team. Specifically, no agent who had been assigned to Chicago confirmed any aspect of Bolden's version.(*65*) One agent did state there had been a threat in Chicago during that period, but he was unable to recall details.(*66*) Bolden did not link Vallee to the supposed

four-man assassination team, although he claimed to remember Vallee's name in connection with a 1963 Chicago case. (*67*) He did not recognize Vallee's photograph when shown it by the committee. (*68*)

The questionable authenticity of the Bolden account notwithstanding, the committee believed the Secret Service failed to make appropriate use of the information supplied it by the Chicago threat in early November 1963.

Similarly, the Secret Service failed to follow up fully on a threat in Miami, also in November 1963. On November 9, 1963, an informant for the Miami police, William Somersett, had secretly recorded a conversation with a rightwing extremist named Joseph A. Milteer, who suggested there was a plot in existence to assassinate the President with a high-powered rifle from a tall building. (*69*) Miami Police intelligence officers met with Secret Service agents on November 12 and provided a transcript of the Somersett recording. (*70*) It read in part:

> SOMERSETT. I think Kennedy is coming here November 18 to make some kind of speech. I don't know what it is, but I imagine it will be on TV.
>
> MILTEER. You can bet your bottom dollar he is going to have a lot to say about the Cubans; there are so many of them here.
>
> SOMERSETT. Well, he'll have a thousand bodyguards, don't worry about that.
>
> MILTEER. The more bodyguards he has, the easier it is to get him.
>
> SOMERSETT. What?
>
> MILTEER. The more bodyguards he has, the easier it is to get him.
>
> SOMERSETT. Well, how in the hell do you figure would be the best way to get him?
>
> MILTEER. From an office building with a high-powered rifle.
>
> * * * * * * *
>
> SOMERSETT. They are really going to try to kill him?
>
> MILTEER. Oh, yeah; it is in the working.
>
> * * * * * * *
>
> SOMERSETT. * * * Hitting this Kennedy is going to be a hard proposition. I believe you may have figured out a way to get him, the office building and all that. I don't know how them Secret Service agents cover all them office buildings everywhere he is going. Do you know whether they do that or not?
>
> MILTEER. Well, if they have any suspicion, they do that, of course. But without suspicion, chances are that they wouldn't.

During the meeting at which the Miami Police Department provided this transcript to the Secret Service, it also advised the Secret Service that Milteer had been involved with persons who professed a dislike for President Kennedy and were suspected of having committed violent acts, including the bombing of a Birmingham, Ala., church in which four young girls had been killed. They also reported that Milteer was connected with several radical rightwing organizations and traveled extensively throughout the United States in support of their views. (*71*)

Although it would have been possible to read Milteer's threats as hollow speculation, the Secret Service did not dismiss them lightly. The case agent in the Miami office forwarded a report and a recording of the Somersett-Milteer conversation to the Protective Research Section.(*72*) Robert I. Bouck, special agent in charge of PRS, then requested that the Miami office make discreet inquiries about Milteer.(*73*)

On November 18, 1963, Special Agent Robert Jamison of the Miami Secret Service office, in an interview with Somersett, had him place a telephone call to Milteer at his home in Valdosta, Ga., to verify he was in that city.(*74*) In addition, Jamison learned that Somersett did not know the identity of any violence-prone associates of Milteer in the Miami area.(*75*) The November 26 Miami field office report indicated that the information gathered "was furnished the agents making the advance arrangements before the visit of the President * * *."(*76*) PRS then closed the case, and copies of its report were sent to the Chief of Secret Service and to field offices in Atlanta, Philadelphia, Indianapolis, Nashville, Washington, and Miami.(*77*)

The Milteer threat was ignored by Secret Service personnel in planning the trip to Dallas. PRS Special Agent-in-Charge Bouck, who was notified on November 8 that the President would visit Miami on November 18, told the committee that relevant PRS information would have been supplied to the agents conducting advance preparations for the scheduled trip to Miami,(*78*) but no effort was made to relay it to Special Agent Winston G. Lawson, who was responsible for preparations for the trip to Dallas,[2] or to Forrest Sorrels, special agent-in-charge of the Dallas office. Nor were Sorrels or any Secret Service agent responsible for intelligence with respect to the Dallas trip informed of the Milteer threat before November 22, 1963.(*80*)

Following the assassination, Somersett again met with Milteer. Milteer commented that things had gone as he had predicted. Somersett asked if Milteer actually had known in advance of the assassination or had just been guessing. Milteer asserted that he had been certain beforehand about the inevitability of the assassination.(*81*)

Bouck and Inspector Thomas Kelley, who was assigned to represent the Secret Service in the investigation of the Kennedy assassination, testified to the committee that threat information was transmitted from one region of the country to another if there was specific evidence it was relevant to the receiving region.(*82*) The fact was, however, that two threats to assassinate President Kennedy with high-powered rifles, both of which occurred in early November 1963, were not relayed to the Dallas region.

(3) *Inspection of the motorcade route.*—During the Secret Service check of the Dallas motorcade route, Special Agent-in-Charge Sorrels commented that if someone wanted to assassinate the President, it could be done with a rifle from a high building.(*83*) President

[2] Lawson, on November 8, visited the PRS office in Washington to check geographical indexes. They revealed no listing of any individual or group that posed a potential danger to the President in the territory of the Secret Service regional office that included Dallas and Fort Worth.(*79*)

Kennedy himself had remarked he could be shot from a high building and little could be done to stop it.(*84*) But such comments were just speculation. Unless the Secret Service had a specific reason to suspect the occupants or activities in a certain building, it would not inspect it.(*85*) The committee found that at the time of the Dallas trip, there was not sufficient concern about the possibility of an attack from a high building to cause the agents responsible for trip planning to develop security precautions to minimize the risk.

The Warren Commission commented that a building survey conducted under a "level of risk" criterion might well have included the Texas School Book Depository.(*86*) Although the agent in the lead vehicle had some responsibility to scan the route for danger,(*87*) this would have been woefully inadequate to protect against a concealed sniper. Television films taken in Dallas on November 22, 1963 show foot patrolmen facing the motorcade but not the crowd or the buildings.(*88*) The police captain in charge of security on the route was not instructed to have his men watch the buildings, although they were ordered to watch the crowds.(*89*) The committee found that if the threats that the PRS was aware of had been communicated to agents responsible for the Dallas trip, additional precautions might have been taken.[3]

(4) *Performance at the time of the assassination.*—The committee concluded that Secret Service agents in the motorcade were inadequately prepared for an attack by a concealed sniper. Using films and photographs taken of the motorcade at the time of the firing of the shots and immediately thereafter, the committee studied the reactions of Secret Service agents.(*96*) In addition, the committee questioned agents who had been in the motorcade with respect to their preparedness to react to gunfire.

The committee found that, consistent with the protective procedures and instructions they had been given,(*97*) the Secret Service agents performed professionally and reacted quickly to the danger. But the committee also found that a greater degree of awareness of the possibility of sniper fire could have decreased reaction time on the part of the agents and increased the degree of protection afforded the President.[4]

No actions were taken by the agent in the right front seat of the Presidential limousine to cover the President with his body, although it would have been consistent with Secret Service procedure for him

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[3] The committee's investigation of the Vallee and Milteer threats dealt primarily with the Secret Service response to them. It also, however, investigated any actual connection they might have had with the assassination. In the Vallee case, the committee contacted relatives and his union(*90*) and visited his most recent known address(*91*) but was unable to develop additional information. Although Milteer as well as Somersett had since died, the committee did obtain the names and addresses of rightwing associates of Milteer. It found no connection to Oswald or Ruby or their associates.(*92*) The committee also investigated information that Milteer had called a friend from Dallas on the morning of November 22, 1963,(*93*) as well as an allegation that Milteer appeared in a photograph of the Presidential motorcade in Dallas.(*94*) The committee's investigation—which included an analysis of the photograph in question by forensic anthropologists—could find no evidence that Milteer was in Dallas on the day of the assassination.(*95*) In its investigation, therefore, the committee was unable to find a connection between the threat in Chicago or the threat in Miami with the assassination in Dallas.

[4] The committee, of course, noted that if sniper fire had been expected, the motorcade should have been canceled. The committee learned that instruction received by Secret Service agents in 1978 in responding to a variety of emergency threats and attacks was far more intensive than it was in 1963.(*98*)

to have done so.(*99*) The primary function of the agent was to remain at all times in close proximity to the President in the event of such emergencies.(*100*) The committee found that the instructions to the driver of the limousine were inadequate to maximize his recognition of, and response to, such emergencies.(*101*) He should have been given the responsibility to react instantaneously on his own initiative and to take evasive action. Instead, his instructions were to act only at the judgment of the agent in the right passenger seat, who had general supervisory responsibilities.(*102*)

The committee found from its acoustical analysis that approximately 8.3 seconds elapsed from the first shot to the fatal head shot.(*103*) Under the circumstances, each second was crucial, and the delay in taking evasive action while awaiting instructions should have been avoided. Had the agents assigned to the motorcade been alert to the possibility of sniper fire, they possibly could have convinced the President to allow them to maintain protective positions on the rear bumper of the Presidential limousine, and both shielded the President and reacted more quickly to cover him when the attack began. The committee recognized, however, that President Kennedy consistently rejected the Secret Service's suggestions that he permit agents to ride on the rear bumper of the Presidential limousine or permit motorcycles to ride parallel to the limousine and in close proximity to it.(*104*)

Although the conduct of the agents was without firm direction and evidenced a lack of preparedness,(*105*) the committee found that many of the agents reacted in a positive, protective manner. Agent Clint Hill, assigned to protect the First Lady, reacted almost instantaneously.(*106*) Agent Thomas "Lem" Johns left Vice President Johnson's follow-up car in an effort to reach the Vice President's limousine, but he was left behind momentarily in Dealey Plaza as the procession sped away to Parkland Hospital.(*107*) Photographic analysis revealed that other agents were beginning to react approximately 1.6 seconds after the first shot.(*108*)

In reviewing the reactions of the agents, the committee also reexamined the allegation that several had been out drinking the evening before and the morning of the assassination.(*109*) Four of the nine agents alleged to have been involved were assigned to the motorcade and had key responsibilities as members of the President's follow-up car.(*110*) The supervisor of the agents involved advised that each agent reported for duty on time, with full possession of his mental and physical capabilities and was entirely ready to perform his assigned duties.(*111*) Inspector Thomas Kelley, who was in charge of an evaluation of Secret Service performance in the assassination, testified before the committee that an investigation of the drinking incident led to a conclusion that no agent violated any Secret Service rule.(*112*)

In an effort to reach its own conclusion about the drinking incident, the committee reviewed film coverage of the agents' movements at the time of the shooting. The committee found nothing in the reactions of the agents that would contradict the testimony of the Secret Service officials.(*113*)

(*b*) *The responsibility of the Secret Service to investigate the assassination was terminated when the Federal Bureau of Investigation assumed primary investigative responsibility.*

The committee found that the investigation by the Secret Service after the assassination was terminated prematurely when President Johnson ordered that the FBI assume primary investigative responsibility.(*114*) Although the initial investigative efforts of the Secret Service lacked coordination, individual field offices with information that might have been related to the assassination had started their own investigations and pursued them aggressively.

How the Secret Service responded after the assassination is illustrated by the investigation conducted by the Chicago Secret Service office. After the assassination, the acting special agent-in-charge of the Chicago field office wrote an urgent report indicating he had received reliable information about "a group in the Chicago area who (sic) may have a connection with the JFK assassination."(*115*) This report was based on information received after the assassination from a reliable informant who reported a conversation he had had on November 21, 1963.(*116*) The informant, Thomas Mosley, reported that for some time he had been involved in negotiating the sale of illegal arms with a Cuban exile, an outspoken critic of President Kennedy named Homer S. Echevarria.(*117*) On November 21, Echevarria had said his group now had "plenty of money" and that they were prepared to proceed with the purchases "as soon as we [or they] take care of Kennedy."(*118*)

After receiving the initial report, the Secret Service surveilled subsequent meetings between Mosley and Echevarria,(*119*) received reports from Mosley about the conversations,(*120*) and discussed the progress of the investigation with the local FBI office.(*121*) By December 3, 1963, a fuller picture of Echevarria was obtained(*122*) and reported to the Protective Research Section.(*123*) By that date, it appeared that Echevarria was a member of the 30th of November (Cuban exile) Movement,(*124*) that an associate of his who had also spoken directly with Mosley about the arms sales was Juan Francisco Blanco-Fernandez, military director for the Cuban Student Revolutionary Directorate (DRE),(*125*) [5] and that the arms purchases were being financed through Paulino Sierra Martinez, a Cuban exile who had become a Chicago lawyer.(*126*) Mosley inferred from his conversation with Echevarria and Blanco that Sierra's financial backers consisted in part of "hoodlum elements" who were "not restricted to Chicago." (*127*)

The committee's investigation provided substantial corroboration for the Secret Service's concern about the Mosley allegations. The committee found that the 30th of November Movement was receiving financial backing through the Junta del Gobierno de Cuba en el Exilio (JGCE), a Chicago-based organization led by Sierra. JGCE was essentially a coalition of predominantly right-wing anti-Castro groups.(*128*) It had been formed in April 1963 and abolished abruptly in January 1964.(*129*) During its short life, JGCE apparently acquired enormous financial backing, secured at least in part from

[5] As previously noted, the FBI had learned that the Miami-based DRE had a representative in New Orleans, Carlos Bringuier, who had contact with Oswald in the summer of 1963 (see section I C 3 on anti-Castro Cuban exiles).

organized gambling interests in Las Vegas and Cleveland.(*130*) JGCE actively used its funds to purchase large quantities of weapons and to support its member groups in conducting military raids on Cuba.(*131*) The affiliates of JGCE, in addition to the 30th of November Movement, included Alpha 66, led by Antonio Veciana Blanch,[6] and the MIRR, whose leader was the militant anti-Castro terrorist, Orlando Bosch Avila.(*132*)

The Secret Service recognized the need to investigate the alleged plots by Cuban exile groups more fully, especially that of Echevarria's 30th of November group.(*133*) But when the progress of the investigation was discussed with the FBI, the FBI responded that the 30th of November group was not likely to have been involved in any illegal acts.(*134*) [7] The Secret Service initially was reluctant to accept this representation in light of the evidence it had developed that indicated the group was in fact involved in illegal activities,(*137*) and therefore began preparations to place an undercover agent in Echevarria's groups to investigate his activities more closely.(*138*) On November 29, 1963, however, President Johnson created the Warren Commission and gave the FBI primary investigative responsibility.(*139*) Although the Secret Service understood the President's order to mean primary, not exclusive, investigative responsibility,(*140*) the FBI, according to testimony of former Secret Service Chief James J. Rowley and Inspector Thomas J. Kelley, soon made it clear that it did not consider the Secret Service to be an equal collaborator in the post-assassination investigation. Rowley testified that "in the ultimate," there was "no particular jurisdiction" on the part of the Secret Service to cooperate in the post-assassination investigation.(*141*) Inspector Kelley testified that an order came down not only to the Secret Service but to the Dallas Police Department that the FBI would take "full responsibility,"(*142*) not joint responsibility, for the postassassination investigation of conspiracies.

In summary, the committee concluded that the Secret Service did in fact possess information that was not properly analyzed and put to use with respect to a protective investigation in advance of President Kennedy's trip to Dallas. Further, it was the committee's opinion that Secret Service agents in the Presidential motorcade in Dallas were not adequately prepared for an attack by a concealed sniper. Finally, the committee found that the investigation by the Secret Service of a possible assassination conspiracy was terminated prematurely when President Johnson ordered that the FBI assume primary investigative responsibility.

2. THE DEPARTMENT OF JUSTICE FAILED TO EXERCISE INITIATIVE IN SUPERVISING AND DIRECTING THE INVESTIGATION BY THE FEDERAL BUREAU OF INVESTIGATION OF THE ASSASSINATION

The position of Attorney General was created by law in 1789, but not until after the Civil War did the role of the chief legal officer of the

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[6] See section I C 3 on anti-Castro Cuban exiles.

[7] As discussed in the section on the FBI investigation, the Bureau's Nationalities Intelligence Section, the most knowledgeable about anti-Castro Cuban exile activities, did not actively participate in the investigation, nor did the Bureau ever fully investigate the question of Cuban involvement.(*135*) After the Secret Service provided the results of its Echevarria investigation to the FBI, the FBI conducted only a limited investigation and closed the case on him.(*136*)

U.S. Government acquire its modern institutional forms. Since the post was (and is) appointive, the Department of Justice was established in 1870 to insure continuity from one administration to another. Over time, the Department increasingly took the lead in major Federal prosecutions and other Federal legal matters.

In the aftermath of the assassination of President Kennedy, the Justice Department participated in various discussions with White House and FBI officials, and it had a major part in the formation of the Warren Commission. The committee found, however, that the Department largely abdicated what should have been important responsibilities in the continuing investigation.

The committee determined, for example, that during the critical early days before there was a Warren Commission, officials at Justice did not exercise any significant role in shaping, monitoring or evaluating the FBI's investigation, despite the Bureau's organizational status as an agency within the Department.(*1*) Similarly, the committee discovered little indication that Justice Department officials moved to mount a sophisticated criminal investigation of the assassination, including its conspiracy implications, an investigation that could have relied on the enormous resources of the Department—its specialized investigative sections and attorneys, as well as the powers and capabilities of a Federal grand jury and the granting of immunity.(*2*) There was, the committee concluded, ample reason for the Department to have become so involved, since various officials contacted by the committee agreed that Federal jurisdiction existed, in spite of some confusion over each of the applicable statutes.

In examining the performance of the Department of Justice in the Kennedy assassination, the committee took into account the importance of the understandable personal situation of Attorney General Robert F. Kennedy during the period following his brother's death. The committee found that the Attorney General's deep-felt grief in fact significantly affected the Government's handling of the investigation, and that this effect was magnified by the inability of Attorney General Kennedy's deputies to take a strong position with FBI Director J. Edgar Hoover on the course of the investigation.

The committee did note that officials at Justice, notably Deputy Attorney General Nicholas deB. Katzenbach, were instrumental in creating the Warren Commission. in effect transferring the focus of the investigation from the FBI to a panel of distinguished Americans. Nevertheless, as before, the Department exercised little authority in the investigation that followed the formation of the Commission.(*3*)

In testimony at a public hearing of the committee, Katzenbach said he believed it would have been distasteful and of questionable propriety for Robert Kennedy to have presided over the investigation of his brother's death.(*4*) He insisted there had been a need for a special investigative body that could make use of the resources of a number of Federal agencies.(*5*) The committee agreed with Katzenbach's general points.

The committee observed, nevertheless, that it was regrettable that the Department of Justice was taken out of the investigation, for whatever reason. It was unfortunate that it played so small a role in insuring the most thorough investigation of President Kennedy's as-

sassination. The promise of what the Department might have realized in fact was great, particularly in the use of such evidence-gathering tools such as a grand jury and grants of immunity.

3. THE FEDERAL BUREAU OF INVESTIGATION PERFORMED WITH VARYING DEGREES OF COMPETENCY IN THE FULFILLMENT OF ITS DUTIES

(*a*) *The Federal Bureau of Investigation adequately investigated Lee Harvey Oswald prior to the assassination and properly evaluated the evidence it possessed to assess his potential to endanger the public safety in a national emergency*
(*b*) *The Federal Bureau of Investigation conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination*
(*c*) *The Federal Bureau of Investigation failed to investigate adequately the possibility of a conspiracy to assassinate the President*
(*d*) *The Federal Bureau of Investigation was deficient in its sharing of information with other agencies and departments*

(1) *History of the FBI.*—Until after the turn of the century Federal agencies and departments were responsible for their own investigations. The Department of Justice was primarily a prosecutorial body, although it had been given statutory authority to perform investigations in 1891. In 1907, Atty. Gen. Charles J. Bonaparte proposed an investigative force in the Justice Department and went ahead with it despite objections in Congress. His successor, George Wickersham, named the force the Bureau of Investigation. (*1*)

By the end of World War I, the Bureau was firmly established as the main investigative arm of the Federal Government, its size increasing fivefold from 1916 to 1920. The two major influences on this growth were: (1) the war itself, which confronted the Bureau with the task of enforcing President Wilson's alien enemy proclamations and with the problems of draft evasion and enemy espionage; and (2) the passage of the Mann Act, which gave the Federal Government jurisdiction over certain interstate criminal activities. Both made increased personnel and budgetary demands on the Bureau. (*2*)

After the war—in the period 1919 to 1924—two successive Attorneys General abused the power of the Bureau of Investigation. A. Mitchell Palmer, in his campaign against Bolshevist radicals, acted with questionable legality. After the bombing of his home in June 1919, Palmer created a General Intelligence Division within the Bureau to deal with radicalism. He named a young Justice Department attorney, J. Edgar Hoover, to head the Division. It used covert as well as overt means to gather information on suspected radicals. (*3*)

In 1920, Attorney General Palmer also directed the wholesale deportation of members of the American Communist Party and the Communist Labor Party. This led to the controversial "Palmer raids," which diminished the standing of American Communists and came to symbolize the misuse of police power for a political purpose.

Then came the Harding administration, under which Harry Daugherty, the President's campaign manager, was named Attorney General. He in turn appointed his friend, William S. Burns, of the Burns Detective Agency, to run the Bureau. Burns was antiradical and antilabor

as well, and he continued the questionable tactics of wiretapping and surreptitious entry in investigative work. Although the primary target continued to be Communists, the Bureau dealt a heavy blow to the Ku Klux Klan.(*4*)

Harlan Fiske Stone, a New York attorney and civil libertarian, was appointed Attorney General by Calvin Coolidge in 1924. Stone was a reformer, and he named Hoover Director of the Bureau of Investigation, with a mandate to clean it up. Hoover created a structure and a set of policies that were to endure for the nearly 50 years of his tenure. He also established the independence of the Bureau within the Department of Justice.[1]

The Bureau stayed out of the limelight until the 1930's, when the emergence of a resourceful criminal underworld, feeding on the public response to Prohibition, became a national menace. The Bureau was recognized as the single law enforcement agency in the country that could cope with crime of such a national scope.

In 1933, public outrage over the kidnapping of Charles Lindbergh's infant son led to enactment of the so-called "Lindbergh Law." It added kidnapping to the list of interstate crimes that came under the jurisdiction of the Bureau.

Then, in 1934, there was a major expansion of Federal criminal laws when Congress passed a package of nine new statutes. They dealt with such crimes as killing or assaulting a Federal law enforcement officer, fleeing across a State line to avoid apprehension or prosecution, extortion involving interstate commerce.(*5*) That same year, Bureau agents were granted authority to go beyond general investigative powers and to serve warrants and subpenas, to make seizures and arrests and to carry arms. They were soon to be tagged "G-men" by the underworld.

The Bureau was renamed in 1935, becoming the Federal Bureau of Investigation, and by the end of the decade it was able to point to an array of accomplishments, for example:

> A Division of Identification with central fingerprint records;
>
> An FBI laboratory with up-to-date scientific law enforcement techniques; and
>
> A National Police Academy for training State and local law enforcement officers.(*6*)

The Bureau had no internal security or counterintelligence functions until they were established, beginning in 1936, by a series of Presidential orders coupled with a secret oral agreement between Hoover and President Roosevelt. The FBI was authorized to store intelligence information collected by other Federal agencies.

In 1939, a written directive was issued providing that the FBI take charge of investigative work relating to "espionage, sabotage, and violation of neutrality regulations." Subversive activities were not specifically mentioned until 1950, in an Executive order by President Truman.(*7*)

The FBI's primary responsibility during World War II was enforcement of laws dealing with espionage, sabotage, and conscription. It also handled the apprehension of enemy aliens. (Hoover was one of

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[1] Hoover accepted the directorship with the assurance from Stone that he would have a free hand in running it and that it would be completely divorced from politics.

the few Government officials who opposed the relocation of Japanese citizens as a violation of their civil rights.) (*8*)

The FBI also conducted foreign intelligence in South America, attempting to gather information on activities detrimental to U.S. interests. FBI involvement in foreign intelligence was ordered terminated after World War II when the Central Intelligence Agency was formed.

After World War II, the fear of communism was such that internal security activities against it were acceptable to most Americans. The FBI's actions were based on statutes that covered membership in the Communist Party, including the Smith Act, the Internal Security Act of 1950, and the Communist Control Act of 1954. (*9*)

J. Edgar Hoover himself defined as disloyal any acts that could pose a threat to the Government, and even after the anti-Communist fervor of the McCarthy era had subsided, the internal security operations of the FBI continued at a high pace. By 1960, Hoover had developed a force of agents who employed sophisticated investigative techniques and enjoyed unusual independence. Hoover himself had become a formidable figure who deftly handled Presidents, Attorneys General, and Members of Congress. He was looked upon as an extraordinary crime fighter, and FBI appropriations passed without serious opposition after pro forma hearings.

(2) *The FBI investigation.*—From the beginning of its examination of the performance of the FBI in the Kennedy investigation, the committee was impressed with the extraordinary work that was done in certain aspects of the case. The thoroughness and efficiency of the collection and processing of such a mass of evidence, for example, could hardly be overstated. What can be said in criticism of the Bureau must be placed in the context of the superior performance of the vast majority of the agents who worked long hours on the investigation. Nevertheless, the committee did find some deficiencies and shortcomings in the FBI investigation.

The FBI was the only Federal agency to conduct a full field investigation in the period immediately after the assassination, the period in which the evidentiary components at the crime scene for solving a homicide are assembled in the great majority of cases. Thereafter, the FBI continued to assume an overwhelming share of the burden of the investigation. Since the Warren Commission did not have its own investigative staff, the Bureau was responsible for the investigative raw product, including the evidence upon which the Commission's deliberations about a possible domestic conspiracy were to be based. (*10*)

The committee concluded from its lengthy study of the roles of the FBI, Secret Service, CIA, and other Federal agencies that assisted the Warren Commission that the final determinations of who was responsible for President Kennedy's murder and whether there had been a conspiracy were based largely on the work of the FBI. (*11*) With an acute awareness of the significance of its finding, the committee concluded that the FBI's investigation of whether there had been a conspiracy in President Kennedy's assassination was seriously flawed. The conspiracy aspects of the investigation were characterized by a

limited approach and an inadequate application and use of available resources.(*12*)

The committee concluded that the FBI's investigation into a conspiracy was deficient in the areas that the committee decided were most worthy of suspicion—organized crime, pro- and anti-Castro Cubans, and the possible associations of individuals from these areas with Lee Harvey Oswald and Jack Ruby. In those areas in particular, the committee found that the FBI's investigation was in all likelihood insufficient to have uncovered a conspiracy.

Given the FBI's justifiable reputation as one of the most professional and respected criminal investigative agencies in the world, its effort in the Kennedy assassination was expected to be of the highest degree of thoroughness and integrity. Indeed, it was an effort of unparalleled magnitude in keeping with the gravity of the crime, resulting in the assignment of more Bureau resources than for any criminal case in its history.(*13*) In terms of hours worked, interviews conducted and tests performed, the FBI's response was, in fact, unexcelled. It was so wide-ranging that it could not be easily summarized, as could the FBI's investigation of the assassination in 1968 of Dr. Martin Luther King, Jr. Over 80 Bureau personnel were sent to Dallas, over 25,000 interviews were conducted, and 2,300 reports, consisting of 25,400 pages, were prepared.(*14*)

The FBI collected and examined the physical evidence with an impressive array of scientific equipment and personnel. By means of unusually rapid compilation of test results, laboratory and field personnel of the Bureau were able to trace elements of the physical evidence to Oswald, and a series of sophisticated techniques led to early identification of Oswald's rifle as the murder weapon.(*15*) Then, using spectrographic, fingerprint, textile, and other analyses, the Bureau was able to assemble a substantial mass of evidence that led to the identification of Oswald as a possible gunman.(*16*) Based on the committee's independent evaluation of the FBI's test results, the committee found that the FBI's performance in the investigation was at its best in the area of scientific analysis. Similarly, the FBI's ability to compile an abundance of disparate documentary evidence pertaining to Oswald's background and activities at the time of the assassination was highly commendable; it made full and efficient use of hundreds of FBI personnel.(*17*)

On the other hand, a qualitative assessment of aspects of the investigation raised some perplexing questions. From an appraisal of the structure of the operation, the committee detected weaknesses in both formulation and execution. The committee found evidence of organizational fragmentation,(*18*) an allocation of duties among various divisions of the Bureau that considerably, if unintentionally, compromised the quality of the effort to investigate the possibility of a conspiracy(*19*).[2]

The assassination investigation was divided between two main divisions of the FBI, the General Investigative Division and the Domestic

[2] The former assistant director, since deceased, who coordinated the FBI's conspiracy investigation himself characterized the effort in testimony before the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities as rushed, chaotic, and shallow, despite the enormity of paperwork that was generated.(*20*)

Intelligence Division. A primary responsibility of the General Investigative Division (*21*) was assembly of the basic facts of the assassination by means of testing and analysis of physical evidence. (*22*) Traditionally, the General Investigative Division handled FBI murder investigations, and it was the official in charge of the bank robbery desk in that Division who supervised the assassination investigation, since, according to the Bureau's manual of operations, jurisdiction for assaults on Federal officials was appropriately assigned to his desk.

The committee's conclusion that conspiracy was a blind spot in the FBI's investigation was reflected in the observation of the assistant FBI director in charge of the General Investigative Division, who said that while the Division was charged with investigating who specifically fired the shot or shots that killed President Kennedy, whether persons other than Oswald were involved was an "ancillary matter" that was not part of his division's responsibility. (*23*) He also characterized the investigation by saying, "* * * we were in the position of standing on the corner with our pocket open, waiting for someone to drop information into it, and we utilized what was fed to us, and disseminated it * * * to the Warren Commission." (*24*)

Within the General Investigative Division, the probe of Jack Ruby was delegated to the Civil Rights Division on the theory that Ruby violated Oswald's civil rights by killing him. (*25*) While the committee, in its investigation, found that Ruby's links to various organized crime figures were contained in reports received by the FBI in the weeks following his shooting of Oswald, the Bureau was seriously delinquent in investigating the Ruby-underworld connections. (*26*) The committee established that the Bureau's own organized crime and Mafia specialists were not consulted or asked to participate to any significant degree. (*27*) The assistant director who was in charge of the organized crime division, the Special Investigative Division, told the committee, "They sure didn't come to me * * * We had no part in that that I can recall." (*28*) The committee also determined that the Bureau's lack of interest in organized crime extended to its investigation of Oswald.

The Domestic Intelligence Division was responsible for the FBI's investigation of Oswald's activities, associations, and motivations, and it was assigned to consider all questions of a possible foreign conspiracy. (*29*) The assistant director who ran this phase of the investigation, however, had been one of several FBI officials and agents who were disciplined by Director Hoover following the assassination for what the Inspection Division determined to have been deficient performance in the investigation of Oswald prior to the assassination. The disciplinary action was kept a Bureau secret. Not even the Warren Commission was informed of it.

Within the Domestic Intelligence Division, the investigation of Oswald and a possible conspiracy was assigned to a team of agents from the Bureau's Soviet section because Oswald had been an avowed Marxist who had defected to the Soviet Union. (*30*)

While numerous specialists on Cuban affairs and exile activities were assigned to the Domestic Intelligence Division, the committee found that they were seldom consulted on the assassination or asked to participate in the investigation, despite the reported connections

between both Oswald and Ruby and individuals active in Cuban revolutionary activities.(*31*) Supervisors of Cuba-related activities at the Bureau in the early 1960's told the committee they were unaware of any investigation of the Cuban issue with respect to the assassination. Similarly, the committee found that neither the Domestic Intelligence Division nor FBI headquarters authorized an intelligence investigation into possible foreign complicity in the assassination.(*32*)

While the FBI Domestic Intelligence Division had some of the most sophisticated investigators and resources at its disposal, the committee concurred with the conclusion of the Senate select committee when it stated in 1976: "Rather than addressing its investigation to all significant circumstances, including all possibilities of conspiracy, the FBI investigation focused narrowly on Lee Harvey Oswald."(*33*)

The committee further concluded that the critical early period of the FBI's investigation was conducted in an atmosphere of considerable haste and pressure from Hoover to conclude the investigation in an unreasonably short period of time.(*34*) The committee also noted that Hoover's personal predisposition that Oswald had been a lone assassin affected the course of the investigation, adding to the momentum to conclude the investigation after limited consideration of possible conspiratorial areas. While Hoover continued to press conspiracy leads, his apparent attitude was reflected in a telephone conversation with President Johnson on November 24, 1963, just hours after Oswald had been shot of death by Ruby. Hoover said: "The thing I am most concerned about * * * is having something issued so we can convince the public that Oswald is the real assassin."(*35*) Two days later, on November 26, 1963, Hoover received a memorandum from an assistant director stating that, "* * * we must recognize that a matter of this magnitude cannot be fully investigated in a week's time."(*36*) In a notation on the memo, indicating his impatience, Hoover jotted: "Just how long do you estimate it will take. It seems to me we have the basic facts now."(*37*) Three days later, on November 29, in a memorandum regarding a conversation he had with President Johnson earlier that day, Hoover stated:

> I advised the President that we hope to have the investigation wrapped up today, but probably won't have it before the first of the week, due to an additional lead being pursued in Mexico.(*38*)

The committee also concurred with other House and Senate committees that the FBI failed to cooperate fully with the Warren Commission. The committee found the Bureau's relationship with the Commission to have been distinctly adversarial and that there were limited areas in which the FBI did not provide complete information to the Commission and other areas in which the Bureau's information was misleading.(*39*) An entry from Oswald's notebook containing the name, address and phone number of an FBI agent in Dallas, for example, was initially withheld from the Warren Commission.(*40*) In addition, the same special agent in Dallas destroyed a note he had received, apparently from Oswald, within 2 weeks of the assassination.(*41*) The note, in which Oswald reportedly threatened the agent, (*42*) was flushed down a toilet several hours after Oswald was mur-

dered by Ruby. The existence of the note was also withheld from the Warren Commission and did not come to light for over 12 years. (*43*)

Warren Commission General Counsel J. Lee Rankin addressed himself to instances of FBI misconduct in testimony before the committee:

> * * * it just raises doubt about the way our government has been conducted and the fact that it seems to be more important to people that they protect their particular agency or bureau than their own country. It does not prove that there was ever a conspiracy. By that I mean conspiracy to kill President Kennedy. But there may have been a conspiracy as far as the Commission was concerned, and what they were going to do to it, and it has worked. (*44*)

The committee also found that the FBI was deficient in failing to inform the Warren Commission that a number of Bureau officials had been disciplined by Hoover for deficiencies in the security investigation of Oswald prior to the assassination. (*45*) These same officials were subsequently assigned to the post-assassination investigation of Oswald and the possible conspiratorial involvement of others. Hoover had ordered an investigation shortly after the assassination to determine whether Bureau personnel had adequately probed Oswald's potential for subversive actions or violence and whether he should have been listed on the Bureau's security index. (*46*) The FBI Inspection Division concluded that there had been numerous deficiencies in the preassassination investigation and recommended various forms of disciplinary action or censure for five field agents, one field supervisor, three special agents-in-charge, four headquarters supervisors, two headquarters section chiefs, one inspector, and one assistant director. (*47*)

Subsequently, Hoover did in fact carry out most of the disciplinary actions recommended. A former assistant director stated that such action was taken in strict secrecy so that the Warren Commission would not become aware of the deficiencies. The committee found that Hoover's action in ordering the official disciplining (*48*) of some of these personnel went beyond what was justified, and that the Bureau's preassassination security investigation of Lee Harvey Oswald had been adequate.[3] Nevertheless, the circumstances of such disciplinary action should have been communicated to the Warren Commission, particularly since a number of the personnel disciplined participated in the assassination investigation.

The committee determined further that in several instances Hoover's pledge to the Warren Commission that the FBI would continue to investigate information it received in years to come on the President's murder was not kept. The committee found specific cases in which the Bureau did not follow up on such information provided to it. (*49*) Two examples relate to leads received from underworld sources.

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[3] The committee examined the basis for this disciplinary action and found the action to have been unwarranted. The actions of the agents involved were appropriate under the circumstances as they knew them. That Oswald turned out to be an assassin should not have been used to fault the agents, since they had no reason to suspect that would be the case when they were dealing with him. If the agents were to be faulted in Oswald's case, they would have to have been faulted in all similar cases, and the Bureau's conduct in security matters would have to have been radically altered.

In the first instance, the Bureau received information from Chief Justice Warren regarding organized crime figure John Roselli's claim of personal knowledge relating to Cuban or underworld complicity. The Bureau declined to investigate the information and did not take any action until President Johnson personally intervened.(*60*) In the second instance, the Bureau received information from a source in 1967 regarding a reported meeting at which New Orleans Mafia leader Carlos Marcello had allegedly made a threat against the life of President Kennedy.(*61*) Rather than investigating the information, Bureau personnel took repeated action to discredit the source.(*62*)

To summarize, the committee found that the Bureau performed with varying degrees of competency in the investigation of the President's death. Its investigation into the complicity of Lee Harvey Oswald prior to and after the assassination was thorough and professional. Nevertheless, it failed to conduct an adequate investigation into the possibility of a conspiracy in key areas, and it was deficient in its sharing of information with the Warren Commission.

4. THE CENTRAL INTELLIGENCE AGENCY WAS DEFICIENT IN ITS COLLECTION AND SHARING OF INFORMATION BOTH PRIOR TO AND SUBSEQUENT TO THE ASSASSINATION

Created by the National Security Act of 1947,(*1*) the CIA was, in fact, a postwar outgrowth of the Office of Strategic Services (OSS). The head of OSS, though never a CIA official, was William J. Donovan, who in World War II adopted the British approach of combining the intelligence activities of various agencies into one office.

Toward the end of World War II, President Roosevelt sought Donovan's advice on a permanent intelligence apparatus. Donovan's classified reply, leaked to the press 3 months later, described an "all-powerful intelligence service . . . [which] would supersede all existing Federal police and intelligence units."(*2*) The reaction among the heads of existing intelligence and investigative agencies was predictably negative. Few wanted to see the OSS become more powerful.

President Roosevelt's death turned out to be a serious blow to OSS—nearly crippling, for President Truman abolished the wartime agency without consulting Donovan or the Joint Chiefs of Staff. As a result, the United States was handicapped by a serious intelligence gap in immediate postwar international struggles.

(*a*) *Establishment of the CIA*

Unification of the Armed Forces was the main objective of the 1947 act. It also created the National Security Council, of which the CIA was to be the intelligence coordinating unit. Under the act, the CIA was charged with four responsibilities:

> To advise the NSC on intelligence matters relating to national security;
>
> To make recommendations on the coordination of intelligence activities;
>
> To correlate, evaluate and disseminate intelligence; and

To engage in additional intelligence activities and national security functions at the direction of the NSC.

The Agency was given no law enforcement functions.

In its early years, the CIA was hampered by internal organizational difficulties and bad relationships with other agencies. The turnover of directors was rather rapid—Lt. Gen. Hoyt S. Vandenberg in 1946, Adm. Roscoe H. Hillenkoetter in 1947, Lt. Gen. Walter Bedell Smith in 1950, Allen W. Dulles in 1952.

Dulles, who had been a wartime master spy, had strong opinions as to the type of men who should be named to top posts in the Agency. At Senate Armed Services Committee hearings on the National Security Act, he testified that the CIA:

> * * * should be directed by a relatively small but elite corps of men with a passion for anonymity and a willingness to stick at that particular job. They must find their reward in the work itself, and in the service they render their Government, rather than in public acclaim. (3)

In addition, in its formative period the CIA was subjected to the harangues of Senator Joseph R. McCarthy, who demanded a purge of Agency personnel. The upshot was a severe tightening of employment standards, as well as a restriction within the Agency on the expression of political viewpoints.

Although the CIA is not required to make public its organizational structure, it is known to consist of five main entities—the Office of the Director and four Directorates. The Director and Deputy Director, only one of whom may be a military officer, are appointed by the President. The four Directorates are as follows:

The Directorate of Operations—the clandestine services unit, which is comprised of a number of geographical operating divisions supplemented by functional staffs.

The Directorate of Intelligence—its responsibility is to analyze and then synthesize raw intelligence information into finished intelligence products.

The Directorate of Science and Technology—it is responsible for basic research and development; it operates technical systems and analyzes highly technical information.

The Directorate of Administration—the Agency's housekeeping department.

At one time there were also a number of proprietary organizations, front groups and social or political institutions that were run by the CIA or on its behalf. The best known proprietaries were Radio Free Europe and Radio Liberty, both established in the early 1950's. Among the front organizations were airlines and holding companies to support clandestine operations. In early 1967, it was learned that the CIA had for years been subsidizing the country's largest student organization, the National Student Association. Eventually, it became known that the Agency had channeled money to a number of business, labor, religious, charitable, and educational organizations.

(*b*) *Rockefeller Commission investigation of CIA activities*

In 1974 and 1975, in response to charges that the CIA had engaged in large-scale spying on American citizens and had compiled dossiers on many citizens, a commission headed by Vice President Rockefeller investigated whether domestic CIA activities exceeded the Agency's statutory authority. Mail intercepts, infiltration of dissident groups, illegal wiretaps and break-ins were among the subjects of the investigation.

The Rockefeller Commission concluded that the "great majority of the CIA's domestic activities comply with its statutory authority * * * Nevertheless, over the 28 years of its history, the CIA has engaged in some activities that should be criticized and not permitted to happen again—both in light of the limits imposed on the Agency by law and as a matter of public policy."(*4*)

(*c*) *The committee investigation*

As the committee examined the Agency's role in the investigation of the death of the President, it focused its investigation in these areas:

The Agency's handling of the Oswald case prior to the assassination;

CIA support of the Warren Commission investigation; and

Developments relevant to the Kennedy assassination after publication of the Warren report.

The committee's investigation proceeded on the basis of interviews, depositions and hearings. Evidence was received from present and former CIA officials and employees, as well as members and staff attorneys of the Warren Commission. The CIA personnel who testified or were interviewed were assured in writing by the Acting Director of Central Intelligence that their secrecy obligation to the CIA was not in effect with respect to questions relevant to the committee's inquiry.(*5*) To the extent possible, the committee pursued investigative leads by interviewing Cuban and Mexican citizens. Further, an extensive review of CIA and FBI files on Oswald's activities outside of the United States was undertaken. The CIA materials made available to the committee were examined in unabridged form.(*6*)

Much of the information obtained by the committee came from present and former officials and employees of the CIA and dealt with sensitive sources and methods of the Agency. Since these sources and methods are protected by law from unauthorized disclosure, this report of the CIA investigation was written with the intention of not disclosing them. Much of what is presented is, therefore, necessarily conclusionary, since detailed analysis would have required revealing sensitive and classified sources and methods.[1]

(1) *CIA preassassination performance—Oswald in Mexico City.*—An individual identified as Lee Harvey Oswald came to the attention of the CIA in the fall of 1963 when he made a trip to Mexico City. The committee examined the efforts of the CIA to determine the true identity of the individual, the nature of his visit to Mexico and with whom, if anyone, he might have associated while there.

CIA headquarters in Washington, D.C., was informed on October 9, 1963, that a person who identified himself as Oswald had contacted

[1] Staff studies reflecting a comprehensive examination of the issues and containing pertinent information and analysis were classified and stored at the National Archives.

the Soviet Embassy in Mexico City on October 1, 1963. Headquarters was also advised that Oswald had spoken with an individual possibly identified as Soviet Consul Kostikov on September 28, 1963, and that a photograph, apparently of an American, had been obtained. This photograph, which was thought by some Agency personnel to be of Oswald, did not purport to be a positive identification of him. The subject of the photograph was described as approximately 35 years old, 6 feet tall, with an athletic build, a balding top, and receding hairline. (*7*)

During October 1963,[2] CIA intelligence sources abroad determined that Oswald had visited the Soviet Embassy or the Cuban consulate in Mexico City at least 5 times for the purpose of obtaining an in-transit visa to Russia via Cuba.(*8*) Once CIA headquarters determined that Oswald was a former defector to the Soviet Union, his activity in Mexico City was considered to be potentially significant by both headquarters personnel and CIA intelligence sources abroad.(*9*) Headquarters, however, was not informed about Oswald's visa request nor of his visits to the Cuban consulate. As a result, while other interested Federal agencies were apprised of Oswald's contact with the Soviet Embassy, they were not informed about his visa request or of his visit to the Cuban consulate.(*10*)

The committee considered the possibility that an imposter visited the Soviet Embassy or Cuban consulate during one or more of the contacts in which Oswald was identified by the CIA. This suspicion arose, at least in part, because the photograph obtained by the CIA in October 1963 was shown after the assassination by the FBI to Oswald's mother as possibly showing her son. (Mrs. Oswald maintained the person in the picture was her son's killer, Jack Ruby.) (*11*) In addition, the description, based on the photograph, that the CIA had received in its first report of Oswald's contact with the Soviet Embassy in Mexico City, in fact bore no resemblance to Oswald,(*12*) The man in the photograph was clearly neither Oswald nor Ruby, and the CIA and FBI were unable (as was the committee) to establish the identity of the individual in the photograph. The overwhelming weight of the evidence indicated to the committee that the initial conclusion of Agency employees that the individual in the photograph was Oswald was the result of a careless mistake. It was not, the committee believed, because the individual was posing as Oswald. In fact, the committee established that the photograph was not even obtained at a time when Oswald was reported to have visited the Soviet Embassy in Mexico City.(*13*)

The question of an Oswald imposter was also raised in an FBI letterhead memorandum to the Secret Service dated November 23, 1963. It was based in part upon information received by CIA headquarters on October 9, 1963, that on October 1, 1963, Oswald had contacted the Soviet Embassy in Mexico City:

> The Central Intelligence Agency advised that on October 1, 1963, an extremely sensitive source had reported that an individual identified himself as Lee Oswald, who contacted the

[2] The Agency maintained that prior to the assassination, its field sources had not actually linked Oswald to the person who visited the Cuban consulate in October 1963. Testimony obtained directly from these sources, however, established that this connection had in fact been made in early October 1963.

> Soviet Embassy in Mexico City inquiring as to any messages. Special Agents of this Bureau, who have conversed with Oswald in Dallas, Tex., have observed photographs of the individual referred to above and have listened to a recording of his voice. These Special Agents are of the opinion that the above-referred-to individual was not Lee Harvey Oswald. (*14*)

In response to a committee inquiry, the FBI reported that no tape recording of Oswald's voice was in fact ever received. The Bureau explained that its Dallas office only received the report of a conversation to which Oswald had been a party. This explanation was independently confirmed by the committee. A review of relevant FBI cable traffic established that at 7:23 p.m. (CST) on November 23, 1963, Dallas Special Agent-in-Charge Shanklin advised Director Hoover that only a report of this conversation was available, not an actual tape recording. On November 25, the Dallas office again apprised the Director that "[t]here appears to be some confusion in that no tapes were taken to Dallas * * * [O]nly typewritten [reports were] supplied * * *."(*15*)

Shanklin stated in a committee interview that no recording was ever received by FBI officials in Dallas.(*16*) Moreover, former FBI Special Agents James Hosty, John W. Fain, Burnett Tom Carter, and Arnold J. Brown, each of whom had conversed with Oswald at one time, informed the committee they had never listened to a recording of Oswald's voice.[3](*17*)

Finally, on the basis of an extensive file review and detailed testimony by present and former CIA officials and employees, the committee determined that CIA headquarters never received a recording of Oswald's voice.(*18*) The committee concluded, therefore, that the information in the November 23, 1963, letterhead memorandum was mistaken and did not provide a basis for concluding that there had been an Oswald imposter.

The committee did, however, obtain independent evidence that someone might have posed as Oswald in Mexico in late September and early October 1963. The former Cuban consul in Mexico City, Eusebio Azcue, testified that the man who applied for an in-transit visa to the Soviet Union was not the one who was identified as Lee Harvey Oswald, the assassin of President Kennedy on November 22, 1963. Azcue, who maintained that he had dealt on three occasions in Mexico with someone who identified himself as Oswald, described the man he claimed was an imposter as a 30-year-old white male, about 5 feet 6 inches in height, with a long face and a straight and pointed nose.(*19*)

In addition, the committee interviewed Silvia Duran, a secretary in the Cuban consulate in 1963. Although she said that it was in fact Oswald who had visited the consulate on three occasions, she described him as 5 feet 6, 125 pounds, with sparse blond hair, features that did not match those of Lee Harvey Oswald.(*20*) The descriptions given by both Azcue and Duran do bear a resemblance—height aside—to an

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[3] The committee did not contact the three other FBI special agents who had also conversed with Oswald at one time.

alleged Oswald associate referred to in an unconfirmed report provided by another witness, Elena Garro de Paz, former wife of the noted Mexican poet, Octavio Paz. Elena Garro described the associate, whom she claimed to have seen with Oswald at a party, as "very tall and slender [with] * * * long blond hair * * * a gaunt face [and] a rather long protruding chin."[4] (*21*)

Two other points warranted further investigation of the imposter issue. The Oswald who contacted the Russian and Cuban diplomatic compounds reportedly spoke broken, hardly recognizable Russian, yet there is considerable evidence that Lee Harvey Oswald was relatively fluent in this language. (*22*) In addition, Silvia Duran told the committee that Oswald was not at the Cuban consulate on September 28, 1963, a day the consulate was closed to the public. (*23*) The committee obtained reliable evidence of a sensitive nature from another source, however, that a person who identified himself as Oswald met with Duran at the consulate that day. (*24*)

The imposter issue could, of course, have been easily resolved had photographs of the person or persons in question been taken at the entrance to the Cuban consulate and Soviet Embassy. The Cuban Government maintained to the committee that the Cuban consulate was under photographic surveillance. In fact, the Cuban Government provided the committee with photographs of the alleged surveillance camera location. (*25*) The committee had other reports that the CIA had obtained a picture of Oswald that was taken during at least one of his visits to the Soviet Embassy and Cuban consulates. (*26*) The CIA, however, denied that such a photograph had been obtained, and no such pictures of Oswald were discovered by the committee during its review of the Agency's files. (*27*)

Despite the unanswered questions, the weight of the evidence supported the conclusion that Oswald was the individual who visited the Soviet Embassy and Cuban consulate. Silvia Duran, who dealt with Oswald at three different times, told the committee she was certain that the individual who applied for an in-transit visa to Russia via Cuba was Oswald. (*28*) She specifically identified the individual in the photograph on Oswald's visa application form as the Lee Harvey Oswald who had visited the Cuban consulate. (*29*) Moreover, Duran stated that Oswald's visa application was signed in her presence. (*30*)

Duran's statements were corroborated by Alfredo Mirabal who succeeded Azcue as Cuban consul in Mexico City in 1963. Mirabal testified that on two occasions, from a distance of 4 meters, he had observed Oswald at the Cuban consulate and that this was the same person who was later photographed being shot by Jack Ruby. (*31*) Further, the committee was given access by the Cuban Government to Oswald's original visa application, a carbon copy of which had been supplied to the Warren Commission. Testimony before the committee established that each of these forms had been signed separately. (*32*) The application papers were photographed, and the signature on them was then studied by the committee's panel of handwriting experts. The panel's analysis indicated that the signature on both forms was that of Lee Harvey Oswald.[5] (*33*) Finally, reliable evidence of a sensitive nature provided to the committee by the CIA tended to indicate that

[4] Elena Garro's allegation is discussed in more detail in section I C 2, supra.

[5] Cuban Consul Azcue indicated to the committee that consulate practice in 1963 prohibited applications from being removed from the consulate premises to be filled out elsewhere. Silvia Duran stated, however, that applications could be filled out elsewhere.

the person who contacted the Soviet Embassy was the same Lee Harvey Oswald who had visited the Cuban consulate. (*34*)

It can be said that the fact that the Agency's field sources noted Oswald's movements outside the United States was an indication of effective intelligence work. Nevertheless, the CIA's handling of the Oswald case prior to the assassination was deficient because CIA headquarters was not apprised of all information that its field sources had gathered with respect to Oswald, and headquarters, in turn, was thereby prevented from relaying a more complete résumé of Oswald's actions in Mexico City to the FBI, which was charged with responsibility for the Oswald security case.

The committee was unable to determine whether the CIA did in fact come into possession of a photograph of Oswald taken during his visits to the Soviet Embassy and Cuban consulate in Mexico City, or whether Oswald had any associates in Mexico City. Nevertheless, other information provided by the CIA, as well as evidence obtained from Cuban and Mexican sources, enabled the committee to conclude that the individual who represented himself as Lee Harvey Oswald at the Cuban consulate in Mexico was not an imposter.

(2) *The CIA and the Warren Commission.*—The CIA took the position that it was not to conduct a police-type investigation of the assassination of President Kennedy. According to the testimony of former Director Richard M. Helms, its role was to provide support for the Warren Commission's effort by responding to specific inquiries. (*35*) Nevertheless, because the CIA was the Commission's primary source of information beyond U.S. territorial limits with respect to the question of foreign complicity in the assassination, the committee sought to evaluate both the quality of the CIA's handling of the foreign conspiracy question and the Agency's working relationship with the Commission.[6]

The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities also studied the performance of the intelligence agencies in conducting their investigation of the assassination and their relationship with the Warren Commission. The Senate committee's report emphasized the Agency's failure to pursue certain leads to a possible Cuban conspiracy or to apprise the Warren Commission of CIA assassination plots against Fidel Castro. (*36*) In response, the CIA prepared a Task Force Report (1977 TFR) on the accuracy of the Senate committee's analysis. In its investigation, the committee reviewed the 1977 TFR [7] and used it as a starting point in assessing the timeliness and effectiveness of the CIA's responses to the Warren Commission's periodic requests for information. (*37*)

The CIA investigation of the Kennedy assassination was focused at the outset on Oswald's trip to Mexico. It was managed at Washington headquarters by the desk officer responsible for intelligence activity related to Mexico. Immediately following the assassination, the desk officer was instructed by Richard Helms, then Deputy Director for

[6] Results of the committee's investigation of how effectively the CIA pursued the question of foreign complicity can be found in sections II C 1 and 2.

[7] For the committee's analysis of the significance of information that the CIA failed to provide the Warren Commission, see section I C 2.

Plans, to coordinate efforts to compile and evaluate incoming information pertaining to the assassination. The desk officer was assigned this responsibility due to his past experience conducting internal CIA security investigations and because Oswald had visited Mexico 2 months prior to the assassination.(*38*) The cable traffic this officer coordinated was voluminous.

By late December 1963, it had become apparent that the CIA's interest in information related to the assassination had extended beyond Oswald's trip to Mexico. It encompassed Oswald's defection to the Soviet Union as well as the possible involvement of foreign powers in an assassination conspiracy. Consequently, responsibility for coordinating CIA investigative efforts was shifted to the counterintelligence staff, which had worldwide resources and expertise in investigating sabotage, guerrilla activities and counterespionage.(*39*)

The second phase of the Agency information collection effort, designed principally to respond to the work of the Warren Commission, was coordinated by Raymond Rocca, Chief of Research and Analysis (CI/R & A) for the counterintelligence staff. CI/R & A was the counterintelligence staff component particularly concerned with research and analysis related to counterintelligence and the formulation of policy based on the analysis. Rocca was the CIA's working-level contact point with the Warren Commission; consequently he was in a position to review most CIA information pertaining to the assassination, which comprised a heavy volume of incoming cable traffic.(*40*) Due to compartmentalization, however, Rocca did not have access to all materials potentially relevant to the Warren Commission investigation. For example, Rocca had no knowledge of efforts by the CIA to assassinate Fidel Castro in the early 1960's.(*41*)

An examination of the functioning of the Warren Commission indicated to the committee that its staff assumed the CIA would expeditiously provide it with all relevant information rather than merely furnish data in response to specific requests.(*42*) An analysis by the committee showed that the Warren Commission's view was not shared by certain high-ranking officials of the Agency, including Deputy Director Helms. In fact, the CIA did not always respond to the Commission's broad request for all relevant material. In testimony to the committee, Helms said the CIA's general position was that it should forward information to the Commission only in response to specific requests.(*43*) Helms indicated that he did not inform the Warren Commission of the anti-Castro plots because he was never "asked to testify before the Warren Commission about * * * [CIA] operations."(*44*) This attitude caused, in the view of the Senate committee, an interpretation of the Warren Commission investigation that was too narrow in scope.(*45*)[8]

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[8] The committee agreed that this was an unacceptable explanation for the CIA's failure to inform the Warren Commission of the anti-Castro plots. It was apparent that the Commission was unable to make a specific request for information about the plots since it was unaware of their existence. In this regard, the observations of the Senate committee are worth quoting:

"Why senior officials of the FBI and the CIA permitted the investigation to go forward, in light of these deficiencies, and why they permitted the Warren Commission to reach its conclusion without all relevant information is still unclear. Certainly, concern with public reputation, problems of coordination between agencies, possible bureaucratic failure and embarrassment, and the extreme compartmentation of knowledge of sensitive operations may have contributed to these shortcomings. But the possibility exists that senior officials in both agencies made conscious decisions not to disclose potentially important information."(*46*)

The CIA also failed to provide the Warren Commission with all information in its possession pertaining to Luisa Calderon, a Cuban consulate employee in Mexico City suspected of having ties to the Cuban intelligence service. Calderon, who was alleged in 1964 by a Cuban defector to have been in contact with an American who might have been Oswald during the period of time of Oswald's visit to Mexico City, engaged in a conversation approximately 5 hours after the assassination in which she indicated possible foreknowledge of the assassination.[9] The Warren Commission, however, was not apprised by the CIA of this conversation. (The CIA was unable to explain the omission, but the committee uncovered no evidence to suggest that it was due to anything but careless oversight.) (*47*)

With the exception of that which was obtained from sensitive sources and methods, CIA information, in general, was accurately and expeditiously provided to the Warren Commission. In cases of sensitive sources and methods, rather than provide the Commission with raw data that would have meant revealing the sources and methods, the substance of the information was submitted in accurate summary form. (*48*)

As a case in point, the committee determined that within two days of the President's assassination, CIA headquarters received detailed reports of Oswald's contacts with the Soviet Embassy and Cuban consulate in Mexico City in late September and early October 1963. (*49*) Accurate summaries of this material were given to the Warren Commission on January 31, 1964, but direct access to the original material (which would have revealed sources and methods that were sensitive) was not provided until April 1964, when Warren Commission investigators traveling abroad met with a CIA representative who provided it to them. (*50*) One Warren Commission staff member who reviewed the original material wrote an April 22, 1964, memorandum, which indicated the impact of this material:

> [The CIA representative's] narrative plus the material we were shown disclosed immediately how incorrect our previous information had been on Oswald's contacts with the Soviet and Cuban Embassies [in Mexico City.] Apparently, the distortions and omissions to which our information had been subjected had entered some place in Washington, because the CIA information that we were shown by [the CIA representative] was unambiguous on almost all the crucial points. We had previously planned to show the [CIA representative] [Commission Assistant Counsel W. David] Slawson's reconstruction of Oswald's probable activities at the Embassies to get [his] opinion, but once we saw how badly distorted our information was we realized that this would be useless. Therefore, instead, we decided to take as close notes as possible from the original source materials at some later time during our visit. (*51*)

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[9] The substance of that conversation is covered in section I C 2 on a possible Cuban conspiracy. The CIA maintained that the original Agency report summarizing this conversation was inaccurately translated and that, when accurately translated, it was apparent that there was no basis for sending the original conversation to the Warren Commission. The committee, however, considered the CIA's revised translation of the report and did not regard it as definitive. Moreover, even if the Agency's revised translation were accepted, the substance of the report remained essentially unchanged. Accordingly, using either translation as the basis for analysis, the Warren Commission should have been apprised of this conversation.

The committee did note that these distortions may have merely been the product of the staff member's inaccurate analysis of the available material, since the record reflected that he had reviewed a CIA memorandum dated January 31, 1964, that accurately summarized these records. (*52*) Nevertheless, as a result of his direct review of the original source materials, he was able to clarify considerably his analysis of Oswald's activities in Mexico City.

Another instance in which the CIA's concern for protecting its sensitive sources and methods resulted in delayed access by the Warren Commission had to do with a photograph that was referred to when CIA headquarters was informed on October 9, 1963, that Oswald had contacted the Soviet Embassy in Mexico City. The photograph was described as apparently depicting an American initially believed by some CIA personnel to be Oswald. (*53*) It was also the photograph that was apparently shown to Marguerite Oswald after the assassination. (*54*)

The circumstances of the photograph's origin as well as the fact that the individual in the photograph bore no resemblance to Oswald were known to the CIA shortly after the assassination. (*55*) Nevertheless, the Warren Commission was not told those details by the CIA until late March 1964. (*56*)[10] The Commission had requested an explanation of the photograph on February 12, 1964, having inadvertently learned of its existence from the testimony of Marguerite Oswald. (*60*)

The committee did not conclude that the CIA's handling of information derived from sensitive methods and sources, in fact, substantially impeded the progress of the Warren Commission, but it did find that the Agency's policy with respect to this information was inconsistent with the spirit of Executive Order 11130 that "[a]ll executive departments and agencies are directed to furnish the Commission with such facilities, services and cooperation as it may request from time to time."

(3) *Post-Warren report CIA investigation.*—The committee found that the CIA, as had the FBI, showed little or no inclination to develop information with respect to the President's assassination once the Warren Commission had issued its report. Three cases in point that emerged in the aftermath of the investigation and seemed relevant enough to warrant more careful consideration than they received have been described previously in this report.

In the case of Yuri Nosenko, the Soviet defector who claimed that, as an officer of the KGB, he handled the Oswald file[11], the CIA failed to capitalize on a potential source of critical evidence. By employing inexperienced interrogators who lacked interest in or knowledge of Oswald or the assassination, and by subjecting Nosenko to hostile interrogation, the CIA lost an opportunity to elicit information that might have shed light on Oswald, his wife Marina,

[10] One CIA officer indicated that since the photograph was not of Oswald, there was no need to inform the Warren Commission about it, thereby jeopardizing a sensitive CIA source and method. (*57*) Further, CIA documents show that even when the Commission sought an explanation of the photograph, the Agency's concern for the protection of its sources and methods inhibited immediate compliance with the request. (*58*) The committee believed, nonetheless, that as the photograph was referred to in the first report that CIA headquarters received on Oswald's contact with the Soviet Embassy, (*59*) it was directly relevant to the Warren Commission investigation and should have been made available promptly.

[11] See section I C 1.

and a possible KGB connection to them. In the cases of two Mexican citizens who claimed to have had contacts with Oswald in Mexico City in the fall of 1963, Elena Garro de Paz and Oscar Contreras,[12] the CIA took only perfunctory action, consequently failing to gain insight into actions by Oswald that might have had a bearing on the assassination.

5. THE WARREN COMMISSION PERFORMED WITH VARYING DEGREES OF COMPETENCY IN THE FULFILLMENT OF ITS DUTIES

(*a*) *The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination*

(*b*) *The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that was in the possession of other agencies and departments of the Government*

(*c*) *The Warren Commission arrived at its conclusions, based on the evidence available to it, in good faith*

(*d*) *The Warren Commission presented the conclusions in its report in a fashion that was too definitive*

President John F. Kennedy was the fourth American President to be assassinated, but his death was the first that led to the formation of a special commission for the purpose of making a full investigation. In earlier assassinations, the investigations had been left to existing judicial bodies:

> In the case of Abraham Lincoln in 1865, a military commission determined that John Wilkes Booth was part of a conspiracy, and the Office of the Judge Advocate General of the U.S. Army saw to the prosecution of six defendants, four of whom were hanged.
>
> The assassins of James A. Garfield in 1881 and William McKinley in 1901 were promptly tried in courts of law and executed.

In the aftermath of the Kennedy assassination, it was decided by President Lyndon B. Johnson and his advisers that a panel of distinguished citizens should be given the responsibility for finding the full facts of the case and reporting them, along with appropriate recommendations, to the American people.

The Commission was authorized by Executive Order 11130 to set its own procedures and to employ whatever assistance it deemed necessary from Federal agencies, all of which were ordered to cooperate to the maximum with the Commission, which had, under an act of Congress, subpena power and the authority to grant immunity to witnesses who claimed their privilege against self-incrimination under the fifth amendment. (*1*)

Chief Justice Earl Warren was selected by President Johnson to head the Commission. Two senior Members of the Senate, Richard B. Russell, Democrat of Georgia, and John Sherman Cooper, Republican of Kentucky, were chosen to serve on the Commission, as were two from the House of Representatives, Hale Boggs, Democrat of Louisiana, and Gerald Ford, Republican of Michigan. Two attorneys who

[12] See section I C 2.

had long been active in Government service, Allen W. Dulles, former Director of the CIA, and John J. McCloy, former president of the World Bank, were also named.(2) J. Lee Rankin, former Solicitor General of the United States, was sworn in as General Counsel on December 16, 1963, and 14 attorneys were appointed within a few weeks to serve as assistant counsel.(3)

The Commission did not employ its own investigative staff. Instead, it relied on agencies in place—the FBI and Secret Service for domestic aspects, the CIA for activities involving foreign countries.

In September 1964, following a 9-month effort, the Warren Commission published a report that not only included its conclusions and recommendations, but also a detailed analysis of the case. The Commission had seen its task to be:

> * * * to uncover all the facts concerning the assassination of President Kennedy and to determine if it was in any way directed or encouraged by unknown persons at home or abroad.

While the committee concluded that the Warren Commission failed in significant areas to investigate "all the facts and circumstances" surrounding the tragic events in Dallas, the committee also found that assigning the responsibility for that failure needed to be approached with utmost caution and care. In large measure, the Warren Commission's inadequacies in investigating important aspects of the President's assassination were the result of failures by the CIA and the FBI to provide it with all relevant evidence and information.(4)

It has been the contention of the CIA and FBI that they gave full and complete responses to all specific requests of the Warren Commission, placing responsibility with the Commission for assuming it would receive the relevant materials automatically.(5) This apparent misunderstanding, in the view of the committee, compromised the effectiveness of the process by which the Warren Commission arrived at its conclusions.

The committee observed that during the course of its hearings, numerous former Warren Commission members and staff attorneys testified that the general atmosphere of Government had changed during the years since President Kennedy's death. They repeatedly noted that they had been significantly more disposed toward trusting the CIA and FBI in 1963 and 1964 than they would have been in 1978.(6)

As it began to prepare its report on the performance of the Warren Commission, the committee took note of the high level of professionalism, dedication, and integrity it found to have characterized the members and staff of the Commission. The committee noted that criticisms leveled at the Commission had often been biased, unfair, and inaccurate. Indeed, the committee believed that the prevailing opinion of the Commission's performance was undeserved. The competence of the Commission was all the more impressive, in the opinion of the committee, in view of the substantial pressure to elicit findings in only 9 months.(7) It was evident to the committee that the Commission could have productively used several more months for its investigation, although the committee recognized that this was a judgment based on the benefit of years of hindsight.

Nevertheless, the committee made the judgment that the time pressures under which the Warren Commission investigation was conducted served to compromise the work product and the conclusions of the Commission.(*8*) Early in the life of the Commission, it was working under internal deadlines of March or April 1964 for completion of the investigation, June 1 for a draft report and June 30 for a final report to the American public. Although these deadlines were finally abandoned, the committee found that the Commission staff was in fact under heavy pressure to meet them. President Johnson, among others in his administration, was anxious to have the investigation completed in advance of the 1964 Presidential conventions, out of concern that the assassination could become a political issue.(*9*)

The committee also found that most of the attorneys recruited for the Commission staff were promised their work would require no more than 3 or 4 months. Additionally, a number of lawyers were hired on a part-time basis.(*10*) Eventually, the realities of the task began to be apparent.

It was not until March that staff attorneys did any real field work in Dallas and elsewhere, and it was the middle of March before an investigation of Jack Ruby could get underway, since he was on trial for murder in Dallas. Nevertheless, a number of senior staff counsel, those who directed important areas of the case, left their jobs with the Commission by early summer 1964, over 4 months before the investigation officially ended.(*11*)

The committee found that the Commission demonstrated a high degree of competency and good judgment in its central determination that Lee Harvey Oswald was the assassin of President Kennedy. (*12*) Contrary to the allegations of some critics, the Commission was not part of a sinister Government coverup of the truth. The committee found that the Commission acted in good faith, and the mistakes it made were those of men doing their best under difficult circumstances. That being said, on the subject that should have received the Commission's most probing analysis—whether Oswald acted in concert with or on behalf of unidentified co-conspirators—the Commission's performance, in the view of the committee, was in fact flawed.(*13*) In its effort to fix responsibility for this failure, the committee, as noted, found one of the primary causes was the absence of the full and proper cooperation of the FBI and the CIA, along with the time pressures and the desire of national leaders to allay public fears of a conspiracy.(*14*)

Virtually all former Warren Commission members and staff contacted by the committee said they regarded the CIA-Mafia plots against Fidel Castro to be the most important information withheld from the Commission.(*15*) They all agreed that an awareness of the plots would have led to significant new areas of investigation and would have altered the general approach of the investigation.(*16*) J. Lee Rankin, who was the Commission's General Counsel, said he was outraged on learning in 1975 of the CIA's use of underworld figures for Castro assassination plots. Rankin stated to the committee:

> Certainly * * * it would have bulked larger, the conspiracy area * * * we would have run out all the various leads and * * * it is very possible that we could have come down with a good many signs of a lead down here to the underworld.(*17*)

Burt W. Griffin, a Commission assistant counsel who directed much of the investigation of the possible involvement of organized crime and Cuban exiles, told the committee:

> There was no showing that Oswald had any connection with organized crime. Therefore, there was no reason to think that simply because Ruby was involved in organized crime, that this would have been linked to the assassination of the President.
>
> We needed to fill that in, in some way, but that is why the Cuban link is so important. If we had known that the CIA wanted to assassinate Castro, then all of the Cuban motivations that we were exploring about this made much, much more sense. If we had further known that the CIA was involved with organized criminal figures in an assassination attempt in the Caribbean, then we would have had a completely different perspective on this thing.
>
> But because we did not have those links at this point, there was nothing to tie the underworld in with Cuba and thus nothing to tie them in with Oswald, nothing to tie them in with the assassination of the President.(*18*)

Apart from the inability of the Commission to obtain all of the information it needed from the CIA and FBI, the committee found inherent inadequacies in its investigation of an assassination conspiracy.(*19*) It was, for example, limited in approach and resources.(*20*) In the crucial areas of organized crime, Cuban exiles and other militant groups, and foreign complicity, the attorneys assigned were lacking in experience and knowledge. Moreover, the committee found little to indicate that outside experts in these areas were ever consulted by the Commission.

The committee also discovered certain basic deficiencies in the capacity of the Commission to investigate effectively the murder of a President. In the words of a Commission assistant counsel: "The style of the Commission's own staff * * * was not one of criminal investigators."(*21*) The committee found, further, that the Commission consciously decided not to form its own staff of professional investigators, choosing instead to rely on an analysis by its lawyers of the investigative reports of Federal agencies, principally the FBI and CIA.(*22*) And even though its staff was composed primarily of lawyers, the Commission did not take advantage of all the legal tools available to it. An assistant counsel told the committee: "The Commission itself failed to utilize the instruments of immunity from prosecution and prosecution for perjury with respect to witnesses whose veracity it doubted."(*23*) While the Commission did go beyond the expected role of traditional factfinding panels serving a President, its inability to break out of the mold of such blue-ribbon bodies severely restricted its effectiveness in investigating the assassination of the President and the murders of Dallas police officer J. D. Tippit and Lee Harvey Oswald.

The committee also found fault with the manner in which the conclusions of the Warren Commission were stated, although the committee recognized how time and resource limitations might have come into

play. There were instances, the committee found, in which the conclusions did not appropriately reflect the efforts undertaken by the Commission and the evidence before it.(*24*) In the Warren report, the Commission overstated the thoroughness of its investigation and the weight of its evidence in a number of areas, in particular that of the conspiracy investigation.(*25*) The Commission did not candidly enumerate its limitations due to time pressures, inadequate resources or insufficient information. Instead the language employed in the report left the impression that issues had been dealt with more thoroughly than they actually had. This was due in part, according to attorneys who worked for the Commission, to pressure from Commission members to couch the report in the strongest language possible. As an example, the Commission declared in the beginning paragraph of its conclusions section,

> No limitations have been placed on the Commission's inquiry; it has concluded its own investigation, and all Government agencies have fully discharged their responsibility to cooperate with the Commission in its investigation.(*26*)

This, in the opinion of the committee, was an inaccurate portrayal of the investigation.

On conspiracy, the Commission stated, "* * * if there is any * * * evidence [of it], it has been beyond the reach of all the investigative agencies and resources of the United States and has not come to the attention of this Commission."(*27*) Instead of such definitive language, the Commission should have candidly acknowledged the limitations of its investigation and denoted areas where there were shortcomings.

As the committee's investigation demonstrated, substantive new information has been developed in many areas since the Warren Commission completed its work. Particular areas where the committee determined the performance of the Commission was less than complete include the following:

Oswald's activities and associations during the periods he lived in New Orleans;

The circumstances surrounding the 2½ years Oswald spent in the Soviet Union;

The background, activities, and associations of Jack Ruby, particularly with regard to organized crime;

The conspiratorial and potentially violent climate created by the Cuban issue in the early 1960's, in particular the possible consequences of the CIA-Mafia assassination plots against Castro and their concealment from officials of the Kennedy administration;

The potential significance of specific threats identified by the Secret Service during 1963, and their possible relationship to the ultimate assassination of the President;

The possible effect upon the FBI's investigation from Director Hoover's disciplining agents for their conduct of the Oswald security case;

The full nature and extent of Oswald's visit to Mexico City 2 months prior to the assassination, including not only his contact

with the Soviet and Cuban diplomatic offices there, and the CIA's monitoring of his activities there, but also his possible associations and activities outside of those offices;

The violent attitude of powerful organized crime figures toward the President and Attorney General Robert Kennedy, their capacity to commit murder, including assassination, and their possible access to Oswald through his associates or relatives; and

Analysis of all available scientific evidence to determine the number of shots fired at the President.

In conclusion, the committee found that the Warren Commission's investigation was conducted in good faith, competently, and with high integrity, but that the Warren Report was not, in some respects, an accurate presentation of all the evidence available to the Commission or a true reflection of the scope of the Commission's work, particularly on the issue of possible conspiracy in the assassination. It is a reality to be regretted that the Commission failed to live up to its promise.

II. FINDINGS OF THE SELECT COMMITTEE ON ASSASSINATIONS IN THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR., IN MEMPHIS, TENN., APRIL 4, 1968

INTRODUCTION: THE CIVIL RIGHTS MOVEMENT AND DR. KING

Dr. Martin Luther King, Jr., an eloquent Baptist minister from Atlanta, Ga., was one of the most prominent figures in the civil rights movement in America during its period of most visible achievement, 1955 to 1968. A disciple of nonviolence and love, Dr. King became the victim of savage violence, killed by a sniper's bullet as he stood on the balcony of a Memphis, Tenn., motel on April 4, 1968. His death signaled the seeming end of a period of civil rights progress that he had led and for which his life had become a symbol. Dr. King's legacy is one of profound change in the social fabric, not only for Black Americans, but for all citizens. But for some, after his death, as a Washington Post writer observed, "* * * his army of conscience disbanded, the banners fell, the movement unraveled * * *."

HISTORY OF CIVIL RIGHTS VIOLENCE(1)

Dr. King's tragic death in Memphis in 1968 was not, unfortunately, a historical aberration. The first Blacks arrived in colonial America at Jamestown, Va., in 1619 as slaves from Africa. As they were dispersed among Southern plantations, they were deprived of their traditions and separated from the rest of the population by custom and law. Their fate was determined by the white majority.

Civil rights violence dates back at least to the mid-18th century, with the slave revolts of that period and their brutal suppression by whites. Roaming bands of runaway slaves in the South attacked plantations, and, in 1775, fears of a general slave uprising led to the annihilation of at least one group of Blacks by white soldiers in Georgia.

After the American Revolution, with the invention of the cotton gin, slavery in the South intensified. Black Americans provided most of the labor to support the economy of that region. Laws restricting Black mobility and educational opportunity were adopted by Southern legislatures, while the rights of slaveholders were jealously protected. Involuntary servitude was, however, outlawed in the North, and leaders of the new Nation such as Benjamin Franklin, John Jay, and John Woolman called for an end to slavery.

During the 1830's, sentiment for emancipation of slaves solidified. The movement for the abolition of slavery, led by "radicals," sparked violence throughout the United States. In 1835, a proslavery band seized abolitionist William Lloyd Garrison and dragged him through the streets of Boston. Two years later, the presses of the radical Alton, Ill., Observer were destroyed, and its editor, Elijah P. Lovejoy, was shot to death by white vandals.

In the 1850's, violence presaged the struggle that was to tear the Union asunder. The pillaging and burning of Lawrence, Kans., by a proslavery mob on May 21, 1856, led abolitionist John Brown to launch a bloody retaliatory raid on Potawatamie, Kans., 3 days later. The massacre touched off a guerrilla war that lasted until Kansas was granted statehood in 1861. In 1859, Brown seized the Federal arsenal at Harpers Ferry, W. Va., in the hope of arming a Black force that would free slaves in the South. The arsenal was recaptured 2 days after Brown's raid, and Brown was hanged following his trial and conviction of treason, conspiracy, and murder.

Sectional differences led to the Civil War that fractured the Union in 1861; it lasted 4 years and became one of the bloodiest military conflicts in U.S. history. Blacks served a limited role in the Union Army; over 200,000 of them were inducted. Their presence in battle infuriated Confederate military leaders, some of whom approved a no-prisoner policy for Blacks. Combat reports indicate that Black prisoners were murdered by Southern troops following, for example, the 1864 Battles of Fort Pillow, Tenn., Poison Spring, Ark., and the Crater at Petersburg, Va.

In the decade following the Northern victory in 1865 and the freeing of slaves from bondage, a spate of laws, engineered to guarantee the rights of newly emancipated Blacks, were adopted. They included the 13th, 14th, and 15th amendments and 7 civil rights acts. The promise of equality during postwar Reconstruction, the period of reestablishment of the seceded States into the Union, however, was not realized. Reforms were ultimately defeated by Southern white intransigence and violence. With emancipation, a wave of murders swept the South, and Reconstruction became the bloodiest period of civil rights violence in U.S. history, as the caste system of segregation was violently institutionalized. Militant groups such as the White Leagues and the Ku Klux Klan organized to oppose the new challenge to white supremacy.

Outbursts of violence were commonplace throughout the South during this period:

According to General Philip Sheridan, commander of troops in Louisiana and Texas during Reconstruction, 3,500 civil rights advocates were slain in Louisiana alone in the decade following the Civil War, 1,884 of them in 1868 alone.

When Blacks in Memphis, Tenn., appealed for their civil rights in 1866, rampaging white terrorists burned homes and churches in the Black section of that city and massacred 47 Blacks.

The killing of 27 delegates by a white mob at the Louisiana State Convention in New Orleans in 1866 was described by one observer as a "systematic massacre of Negroes by whites."

Of 16 Blacks elected as delegates to the Mississippi Constitutional Convention in 1868, two were assassinated by whites.

In the Alabama election campaign of 1870, four Black civil rights leaders were murdered when they attended a Republican rally.

White terrorists took control of Meridian, Miss., in 1871 after they killed a Republican judge and lynched an interracial group of civil rights leaders.

In the Mississippi election campaign of 1874, several Black leaders in Vicksburg were attacked and murdered by members of the Ku Klux Klan.

During the Louisiana election campaign of 1878, Klan gunmen fired on Blacks in Caddo Parish, killing 40 by one account, as many as 75 by another.

Systematic violence, designed to terrify Blacks asserting their right to vote, led Attorney General Alfonso Taft to declare in 1876, "It is the fixed purpose of the Democratic Party in the South that the Negro shall not vote and murder is a common means of intimidation to prevent them."

Radical Reconstruction in the South was defeated by 1877, and the last of the Black militias in the South were dissolved. Southern legislatures adopted laws to deprive Blacks of all opportunity for political or civil participation and to segregate all facilities for education, travel, and public accommodation. Despite the waning of Reconstruction, mob violence and lynching occurred almost unchecked in the South until World War I. Blacks were removed from public affairs by intimidation.

In the 1890's, the legislatures of all Southern States disenfranchised Black citizens. With its 1903 ruling in *Giles* v. *Harris*, the U.S. Supreme Court sanctioned this practice. A few years earlier, in 1896, the Court had also approved racial segregation, finding in *Plessy* v. *Ferguson* that "separate but equal" facilities were acceptable under the Constitution. As the Black vote disappeared in the South, the murder of civil rights leaders decreased dramatically, only to be replaced by other forms of white terrorism: riots and lynching. The National Association for the Advancement of Colored People (NAACP) was founded in 1909 to deal with this intimidation at the expense of further assertion of Black political authority.

EQUALITY IN EDUCATION—THE 20TH CENTURY OBJECTIVE(S)

The civil rights movement that became a major social and political force in the 1950's, and matured in the 1960's, grew out of the efforts of organizations founded during the first half of the 20th century. One prominent organization of this period, the NAACP, was responsible for the gradual emergence of the Black protest movement. It sought an end to racial segregation primarily through the court system by providing counsel to Blacks whose rights had been denied. It also pushed for reform in the Congress and in State legislatures and initiated programs to educate the public about existing racial injustice. The National Urban League worked on behalf of middle-class Blacks. The Congress of Racial Equality (CORE), a pacifist organization founded in 1942, attacked discrimination in places of public accommodation in Northern and Border States. CORE took the lead in nonviolent direct action, organizing, for example, sit-ins in Chicago in 1943, bus rides and stand-ins at Chicago's Palisades Pool in 1947–48, and, in 1947, the Journey of Reconciliation, a harbinger of later freedom rides. These activities of CORE, in fact, presaged the work of Dr. Martin Luther King's Southern Christian Leadership Conference in the late 1950's and 1960's.

With the signs of civil rights progress in the 1940's, particularly judicial responses to the NAACP, a mass movement began to develop. The U.S. Supreme Court prohibited all-white primary elections and declared unconstitutional racially restrictive real estate covenants. In 1941, President Franklin D. Roosevelt issued an Executive order urging fair employment practices in response to the threats of mass demonstrations from A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters. The President's Committee on Civil Rights recommended the enactment of fair employment legislation in 1947, and in 1948, President Harry S. Truman barred segregation in the Armed Forces and Government agencies. The Congress, however, did not act on civil rights issues until 1957.

The modern civil rights movement set its roots in the field of education. The NAACP had initiated litigation in the 1930's to end segregation in education. At the beginning of 1954, 17 States and the District of Columbia required segregation in public schools, while three other States permitted localities to adopt the practice. Then, on May 17, 1954, the U.S. Supreme Court announced its unanimous decision in *Brown* v. *Board of Education* that segregation in public schools was unconstitutional. In delivering the opinion of the Court, Chief Justice Earl Warren said that "separate education facilities are inherently unequal." A year later, the Court followed with a ruling that the process of public school desegregation must proceed with "all deliberate speed," thus choosing a policy of gradualism rather than requiring desegregation by a fixed date as urged by the *Brown* plaintiffs through their NAACP attorneys.

The *Brown* decision signaled the beginning of a long struggle, for it was not readily accepted in the South. Segregationist and States rights groups emerged to oppose the goal of integration, and militant organizations such as the White Citizens Councils and the Ku Klux Klans attracted a new following. Violence was resumed. On August 28, 1955, for example, a white mob in Mississippi kidnapped and lynched Emmett Till, a 14-year-old boy from Chicago who had been visiting his relatives.

A NEW LEADER EMERGES

Many historians believe the beginning of the modern Black revolt against inequality was marked in Montgomery, Ala., on December 1, 1955. Four Black passengers were asked by the driver of a downtown bus to give up their seats. Rosa Parks, a 42-year-old Black seamstress, refused and was arrested under a local segregation ordinance. In protest, Black leaders organized a boycott of the Montgomery bus system that lasted 382 days, ending only when the U.S. Supreme Court ordered the buses integrated.

The bus boycott was guided by the words of a 27-year-old Baptist minister who emerged as a fresh and dynamic force among Blacks. Preaching the "Christian doctrine of love operating through the Gandhian method of nonviolence," Dr. Martin Luther King, Jr., represented a new leadership. In Montgomery, he demonstrated that nonviolent direct action could be used effectively to achieve social justice. From that time until his death in 1968, Dr. King's life was inextricably interwoven with the events of the civil rights movement.

Dr. King was born in Atlanta, Ga., on January 15, 1929, the son of a Baptist minister, Martin Luther King, Sr., and the maternal grandson of another Baptist minister. He enrolled at Atlanta's all-Black Morehouse College at age 15 and, in his junior year, decided to enter the clergy. In 1947, he was ordained a minister at his father's Ebenezer Baptist Church in Atlanta. The following year, he continued his studies at the Crozer Theological Seminary in Chester, Pa. He was elected president of his class in his senior year and was named outstanding student when he graduated first in his class. At Crozer, he became acquainted with the work of Christian social theologians, as well as Mohandas K. Gandhi's doctrine of nonviolent direct action, Satyagraha (Sanskrit for truth-force), and Henry David Thoreau's essay, "On the Duty of Civil Disobedience."

With a fellowship he received to pursue his doctorate, King entered graduate school at Boston University in 1951. His doctoral thesis compared the conceptions of God in the thinking of Paul Tillich and Harry Nelson Weiman. He received his doctorate in the spring of 1955.

In Boston, he met Coretta Scott, a graduate of Antioch College who was attending the New England Conservatory of Music. They were married in June 1953, and in the ensuing years had four children: Yolanda, Martin Luther III, Dexter Scott, and Bernice.

At the beginning of 1954, as he continued work toward his doctorate, Martin Luther King was hired as pastor of the Dexter Avenue Baptist Church in Montgomery, Ala., the city where he was to begin his civil rights career.

As president of the Montgomery Improvement Association (MIA), Dr. King led the bus boycott with the assistance of Montgomery Black leaders E. D. Nixon, a civil rights activist who had worked with A. Philip Randolph's Brotherhood of Sleeping Car Porters, Reverend Ralph David Abernathy, and Reverend E. N. French. At the first meeting of the MIA on December 5, 1955, Dr. King enunciated the principle from which he would never waver: "We will not resort to violence. We will not degrade ourselves with hatred. Love will be returned for hate." In the tradition of Gandhi, leader of the struggle for Indian independence and an advocate of passive resistance, Dr. King urged his followers to forswear violence and to work for ultimate reconciliation with their opponents by returning good for evil.

After mass arrests, threats and physical attacks, including the dynamiting of Dr. King's home, the Montgomery bus boycott ended successfully in December 1956. That month the Southern Regional Council announced that 25 other Southern cities had desegregated their buses either voluntarily or as the result of boycotts.

Despite the successful Montgomery bus boycott, 1956 was also marked by disappointments to the rising hopes of Black Americans. The admission of Autherine Lucy to the University of Alabama in February was met by white mob violence. To avert further disturbances, she was expelled by university officials. That decision was upheld by a Federal district court and the University of Alabama remained segregated until 1963. Also in 1956, 101 members of Congress from the 11 States that had comprised the Confederacy signed the Southern Manifesto, which declared that the school desegregation decisions of the Supreme Court were a "clear abuse of judicial power." Noting that

neither the Constitution nor the 14th amendment mentioned education and that the *Brown* decision had abruptly reversed precedents established in *Plessy* v. *Ferguson* and subsequent cases, the manifesto signers vowed "to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation."

A PHILOSOPHY OF NONVIOLENCE

White resistance notwithstanding, the civil rights movement continued its growth in 1957. Recognizing the need for a mass movement to capitalize on the Montgomery bus boycott, Black leaders formed the Southern Christian Leadership Conference (SCLC) early in the year, and the boycott leader, Dr. Martin Luther King, Jr., was elected its first president. Adopting a nonviolent approach and focusing on the South, the SCLC was dedicated to the integration of Blacks in all aspects of American life.

In May 1957, to commemorate the third anniversary of the Supreme Court's *Brown* ruling on school desegration, Dr. King led a prayer pilgrimage in Washington, D.C., the first large-scale Black demonstration in the capital since World War II. In his first national address, Dr. King returned to a theme that had lain dormant for 80 years, the right to vote. "Give us the ballot," he pleaded, "and we will no longer have to worry the Federal Government about our basic rights * * * we will quietly and nonviolently, without rancor or bitterness, implement the Supreme Court's decision." Dr. King was on his way to becoming one of the most influential Black leaders of his time, a symbol of the hopes for equality for all Americans.

It was a time of fast-moving events, actions and counteractions, in a continuing conflict. On September 9, 1957, President Dwight D. Eisenhower signed the first Civil Rights Act since 1875. The law markedly enlarged the Federal role in race relations. It established a Civil Rights Commission and a Civil Rights Division in the Department of Justice. Most important, it gave the Attorney General authority to seek injunctions against obstruction of voting rights.

That same month, in Little Rock, Ark., violent rioting erupted over the integration of Central High School. Nine Black students were successfully enrolled, but not before 1,000 paratroopers and 10,000 National Guardsmen were sent into the beleaguered city. The appearance of Federal troops in Little Rock brought back unpleasant memories of Reconstruction, and the price of progress was a polarization of southern attitudes. Meanwhile, as Dr. King continued to carry the civil rights banner, he became the victim of a near fatal assault on September 20, 1957. As he was autographing copies of his first book, "Stride Toward Freedom," in a Harlem department store, a deranged Black woman, Izola Curry, stabbed him with an 8-inch letter opener. Though the weapon penetrated near his heart, Dr. King recovered after 2 weeks of hospitalization.

1960: THE YEAR OF THE SIT-INS

Civil rights activism intensified in 1960, the year of the sit-ins. On February 1, 1960, four Black students dedicated to nonviolent direct

action sat at the lunch counter of a Greensboro, N.C., Woolworth's store. Though they were refused service, the students sat at the counter until the store closed, and each succeeding day they returned with more students. The sit-in movement spread to cities in Virginia, Maryland, South Carolina, Tennessee, Alabama, Kentucky, and Florida. Recognizing the need for organization of this new movement, the SCLC provided the impetus for the Student Nonviolent Coordinating Committee (SNCC) in April 1960.

The sit-ins that continued throughout the year became a successful means to protest. By the end of 1960, Blacks were being served at lunch counters in hundreds of southern stores.

Inevitably, there was white resistance. As the sit-ins set the pace of a campaign to open up public facilities of all sorts, there were thousands of arrests and occasional outbreaks of violence. Dr. King was arrested with other demonstrators at an Atlanta, Ga., department store sit-in in October 1960. Trespass charges were dropped against him at his trial, but he was sentenced to 4 months hard labor at the Reidsville State Prison Farm on the pretext that he had violated probation for an earlier minor traffic offense. National concern for Dr. King's safety prompted the intercession of Democratic Presidential candidate John F. Kennedy, which led to the civil rights leader's release. Some observers believed this action contributed to Kennedy's narrow election victory over Vice President Richard M. Nixon a week later by attracting Black support.

Violence increased with attempts to integrate the interstate transportation system in 1961, the year of the freedom rides. They began in May when members of CORE boarded two buses in Washington, D.C., and set out for New Orleans, determined to test southern segregation laws on buses as well as in terminals en route. Trouble broke out when the buses reached Alabama. One bus was burned and stoned by whites in Anniston, and, in Birmingham, protestors on the second bus were brutally beaten by a mob awaiting their arrival. Another group of students left Atlanta, Ga., for Montgomery, Ala., the following week. Attorney General Robert F. Kennedy sent 500 Federal marshals to protect them, but the students arrived before the marshals and were savagely beaten. The next evening an angry throng of whites surrounded a church where Dr. King was scheduled to speak. The marshals and federalized National Guard troops had to rescue the congregation and Dr. King from the mob. Although the freedom riders met with little violence in Mississippi, they did have to reckon with an unsympathetic legal system. Over 300 demonstrators were arrested for breach of the peace and for disobeying police orders to disperse in segregated Mississippi terminals.

In response to the attacks on freedom riders, Attorney General Kennedy petitioned the Interstate Commerce Commission (ICC) to adopt stricter regulations against segregation. On September 22, 1961, the ICC announced new rules prohibiting segregation on interstate buses and in terminals.

Across-the-board desegregation of all public facilities in Albany, Ga., was the focus of a campaign led by Dr. King from late 1961 through the summer of 1962. The city reacted by arresting over 1,100 demonstrators during the campaign, including Dr. King and his

colleague, Reverend Abernathy. City officials stubbornly refused to confer with Black leaders and steadfastly rejected proposals for desegregation. By September 1962, public parks, pools, and libraries had been closed or sold to white business groups. The Albany campaign received national attention, but it failed to crack the southern resistance symbolized by the city. From the Albany defeat Dr. King learned that the scattergun approach of simultaneously attacking all aspects of segregation was ineffective.

On the other hand, the admission of the first Black student to the all-white University of Mississippi in the fall of 1962 marked a significant integrationist victory. James Meredith, an Air Force veteran, had been enrolled at Jackson State College when he decided to transfer to "Ole Miss." With the assistance of the NAACP, he filed suit when he was rejected. After 16 months of litigation, the Fifth Circuit Court of Appeals ruled that he had been turned down solely because of his race and ordered that he be accepted. Outright obstruction by State officials led the court to order that Mississippi's Gov. Ross Barnett and Lt. Gov. Paul Johnson pay fines unless they stop interfering with its ruling. On October 1, 1962, 320 Federal marshals arrived at Oxford to escort Meredith to his dormitory. This action set off a riot that left 2 persons killed and 375 injured before it was quelled by Federal troops. When the tear gas cleared, Meredith was the first Black student to enter "Ole Miss." Despite Governor Barnett's vow to continue to fight his enrollment, Meredith graduated in August 1963.

1963: A YEAR OF TRIUMPH AND DESPAIR

Dr. King led an all-out attack in the spring of 1963 on racial discrimination in Birmingham, Ala., which he described as "the most segregated city in the United States." Civil rights activists sought removal of racial restrictions in downtown snack bars, restrooms and stores, as well as nondiscriminatory hiring practices and the formation of a biracial committee to negotiate integration. Sit-ins, picket lines and parades were met by the police forces of Eugene "Bull" Connor, commissioner of public safety, with hundreds of arrests on charges of demonstrating without a permit, loitering and trespassing.

On Good Friday, April 12, 1963, Dr. King, Reverend Abernathy and Rev. Fred Shuttlesworth were arrested for leading a demonstration in defiance of an injunction obtained by Bull Connor. Dr. King was placed in solitary confinement and refused access to counsel. During his incarceration, he penned his "Letter from the Birmingham Jail," a response to a statement by eight leading local white clergymen—Protestant, Catholic, and Jewish—who had denounced him as an outside agitator and urged Blacks to withdraw their support for his crusade. In this eloquent statement, Dr. King set forth his philosophy of nonviolence and enumerated the steps that preceded the Gandhian civil disobedience in Birmingham. Specifically citing southern segregation laws, he wrote that any law that degraded people was unjust and must be resisted. Nonviolent direct action, Dr. King explained, sought to foster tension and dramatize an issue "so it can no longer be ignored."

Dr. King was released from jail on April 20, 1963. The Birmingham demonstrations continued. On May 2, 500 Blacks, most of them high school students, were arrested and jailed. The next day, a group of demonstrators was bombarded with brickbats and bottles by onlookers, while another cluster of 2,500 protestors was met by the forces of Police Commissioner Connor, with his snarling dogs and high-pressure firehoses.

Worldwide attention was being focused on the plight of Blacks whose reasonable demands were being met by the unbridled brutality of the Birmingham police. Senator Wayne Morse of Oregon said Birmingham "would disgrace a Union of South Africa or a Portuguese Angola." The outcry led to negotiations with the city, and Dr. King suspended his campaign on May 8. Two days later, an agreement was reached to desegregate lunch counters, restrooms, fitting rooms, and drinking fountains in department stores and to promote Blacks over a 60-day period. The following day, however, the bombings of a desegregated hotel and the home of Dr. King's brother, Rev. A. D. King, led to a disturbance by hundreds of Blacks that lasted until State troopers arrived to assist local police. Calm was restored. Dr. King was considered victorious because of the attention he had attracted to racial injustice. One by one, public facilities in Birmingham were opened to Blacks.

Birmingham became a rallying cry for civil rights activists in hundreds of cities in the summer of 1963. Marches were held in Selma, Ala., Albany, Ga., Cambridge, Md., Raleigh and Greensboro, N.C., Nashville and Clinton, Tenn., Shreveport, La., Jackson and Philadelphia, Miss., as well as in New York and Chicago.

This period was also one of tragedy. On June 12, 1963, the day after President Kennedy's dramatic call for comprehensive civil rights legislation, Medgar Evers, NAACP field secretary for Mississippi, was shot to death in front of his Jackson home. Evers had been instrumental in James Meredith's efforts to enter the University of Mississippi, and a month before his death had launched an antisegregation drive in Jackson. Byron de la Beckwith, a fertilizer salesman, was charged with the murder and tried twice; both trials ending in hung juries. In September 1963, attention reverted to Birmingham, Ala., when the 16th Street Baptist Church was bombed, killing four Black girls, aged 11 to 14, in their Sunday school class. The tragedy was compounded by the deaths of two Black youths, killed later that day in an outburst of violence that followed the bombing.

The climactic point of the campaign for Black equality came on August 28, 1963, when Dr. King led 250,000 followers in the march on Washington, a nonviolent demonstration of solidarity engineered by A. Philip Randolph and Bayard Rustin to dramatize Black discontent and demand an open, desegregated society with equal justice for all citizens regardless of race. A goal of the march was passage of a comprehensive civil rights bill to insure integrated education, equal access to public accommodations, protection of voting rights and nondiscriminatory employment practices. In his address, acclaimed as the most memorable moment of the day, Dr. King recounted his dream for an integrated society:

> I have a dream that one day this Nation will rise up, live out the true meaning of its creed: "We hold these truths to be self-evident that all men are created equal." I have a dream that one day on the red hills of Georgia sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood. I have a dream that one day even the State of Mississippi, a State sweltering with the heat of injustice * * * will be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Dr. King pledged to continue to fight for freedom and concluded:

> When we allow freedom to ring * * * from every town and every hamlet, from every State and every city, we will be able to speed up that day when all of God's children, Black men and white men, Jews and Gentiles, Protestants and Catholics will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Great God A'Mighty, we are free at last!"

The march provided new impetus to the civil rights movement and helped solidify the recognition of Dr. King as one of the most important spokesmen for the Black cause.

Within weeks of President Kennedy's assassination on November 22, 1963, his successor, President Lyndon B. Johnson, asked the Congress to end its deadlock and submit strong civil rights legislation for his approval. Congress responded by passing the Civil Rights Act of 1964, which contained provisions that: Guaranteed Blacks the right to vote; guaranteed access to public accommodations, such as restaurants, hotels, and amusement areas; authorized the Federal Government to sue to desegregate public facilities, including schools; mandated nondiscrimination in Federal programs; and required equal employment opportunity. In addition, on February 5, 1964, poll taxes, a device that had been used to prevent Blacks from voting, were barred with the adoption of the 24th amendment.

CORE and SNCC recruited 1,100 northern college students in a drive to register on the voting rolls as many of Mississippi's 900,000 Blacks as possible in the freedom summer voter registration campaign of 1964. The campaign came to the forefront of public attention on August 4 when the bodies of three civil rights workers—James E. Chaney, Andrew Goodman, and Michael Schwerner—were found buried in a dam near Philadelphia, Miss. The three men, missing since June 21, had been shot to death. Eighteen whites, including several police officers, were arrested and charged with conspiracy to deprive the victims of their civil rights. Dismissed by Federal District Court Judge W. Harold Cox, the charges were reinstated in 1968 after the U.S. Supreme Court decided that the Federal Government could prosecute State officials, as well as private persons who conspire with them, who deprive persons of their constitutional rights.

The year 1964 also marked an important personal achievement for Dr. King. On December 10, he was awarded the Nobel Peace Prize in

Oslo, Norway. At age 35, he was the youngest recipient of the award in history and the second Black American after Dr. Ralph J. Bunche, the 1950 award winner. Not only was the award a recognition of Dr. King's role in the nonviolent struggle for civil rights in the United States, but to many it signified official international recognition of the Black protest movement.

In 1965, civil rights advocates, led by Dr. King, focused their attention on Black voting rights. At least two-thirds of Alabama's eligible Black voters were not registered at the beginning of the year. In Selma, Ala., on January 2, 1965, Dr. King announced a voter registration drive centering on that city, an attempt to dramatize the need for a Federal voting rights law. The violence directed against demonstrators in Selma, along with harassment by State and local authorities, aroused sentiment for such legislation. In February, Jimmy Lee Jackson, a civil rights worker from Perry County, Ala., became the first martyr of the campaign, when he was killed by gunfire in a clash between demonstrators and State troopers. Dr. King organized but did not lead an initial march from Selma to the State capital, Montgomery, on March 7. The demonstrators were turned back just outside Selma by State troopers with nightsticks, tear gas, and bull whips. On March 9, 1,500 Black and white marchers, this time led by Dr. King, made a second attempt to reach Montgomery, despite a Federal court injunction. They were again met by a phalanx of State troopers just outside Selma. Rather than force a confrontation, Dr. King asked his followers to kneel in prayer and then instructed them to return to Selma. His caution cost him the support of many young militants who already mocked him with the title, "De Lawd." That evening in Selma, three white ministers were attacked and brutally beaten by white thugs. Rev. James Reeb, a Unitarian pastor from Boston, died 2 days later as a result of his injuries.

On March 13, President Johnson addressed a joint session of Congress to propose enactment of a strong voting rights bill. In one of the most memorable speeches of his Presidency, Johnson said:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was last week in Selma, Ala.

In Alabama, the twice-aborted march from Selma to Montgomery began for a third time on March 21, led by two Black Nobel Peace Prize winners, Dr. King and Dr. Bunche. On March 25, when the civil rights marchers reached Montgomery, their ranks had swelled to 50,000. In an impassioned address on the statehouse grounds, Dr. King noted that the Black protest movement was recognizing gains and no amount of white terrorism would stop it. He said:

> * * * I know some of you are asking today, "How long will it take?" I come to say to you this afternoon, however difficult the moment, however frustrating the hour, it will not be long, because truth pressed to earth will rise again.
>
> How long? Not long, because no lie can live forever.
>
> How long? Not long, because you will reap what you sow.
>
> How long? Not long, because the arm of the moral universe is long but it bends toward justice.

While the march was considered a success, the tragedy that had plagued it from the outset continued. A civil rights transportation volunteer, Viola Liuzzo of Detroit, was shot to death as she drove a marcher home to Selma. Four Ku Klux Klan members were arrested for her murder, three of whom were eventually convicted of violating Mrs. Liuzzo's civil rights and sentenced to 10 years in prison.

The Selma campaign led to the passage of the Voting Rights Act, signed into law by President Johnson on August 6, 1965. The act provided for direct action through use of Federal examiners to register voters turned away by local officials. The Department of Justice moved swiftly to suspend voter qualification devices such as literacy tests in several Southern States, and within 3 weeks of the law's enactment, Johnson announced that over 27,000 Blacks had been registered by Federal examiners in three Southern States.

Divisions in the ranks of Black Americans became painfully apparent in 1965. Militants labeled Dr. King's nonviolence a tool of the white power structure. The February 21 assassination of Malcolm X, a former leader of the Black Muslims who had called for Black separation, underscored growing problems among Blacks. Three Black men were arrested for the Harlem shooting of Malcolm X.

In early 1965, Dr. King suggested that the SCLC wage a campaign in northern cities for better housing for Blacks and nondiscriminatory employment practices. He spoke several times in the North. That summer he attacked patterns of de facto segregation in Chicago, and led a number of marches in predominantly Black neighborhoods of that city. It was also in 1965 that he first indicated a nexus between Federal Government spending for the Vietnam war and cuts in Federal assistance to the poor.

The euphoria over the August 6, 1965, signing of the Voting Rights Act subsided a week later when the Watts section of Los Angeles exploded in the Nation's worst race riot since 1943. It lasted 6 days and left 35 dead, 900 injured, over 3,500 arrested and $46 million of property damage. Dr. King received a mixed welcome in Watts, as he preached nonviolence in the wake of the tragic disturbance. He urged massive Federal assistance for the northern urban poor who suffered from economic discrimination and de facto segregation, the underlying causes of the Los Angeles violence.

The Watts riot demonstrated the depth of the urban race problems in the North. At the beginning of 1966, Dr. King launched a campaign against discrimination in Chicago, focusing his attack on substandard and segregated housing. He moved to a Chicago slum tenement in January and promised to organize tenants and lead a rent strike if landlords did not improve living conditions in the ghetto. Mayor Richard Daley met with Black leaders several times, but he took no concrete action to promote better housing or to implement nondiscriminatory employment practices. Violence against demonstrators plagued rallies and marches led by Dr. King in the spring and summer of 1966. At the end of July, he pressed his drive for better housing into Chicago's all-white neighborhoods. Demonstrators were jeered and attacked during these marches, and Dr. King himself was stoned in a parade through the Gage Park section on August 5. Although he was stunned by the vehement reaction of northern whites to civil rights activities, Dr. King

planned a march through the all-white suburb of Cicero because demands for better housing were not acknowledged by the city. He canceled the Cicero protest, however, when the city administration and Chicago business leaders agreed to meet with civil rights leaders. The city officials and Black leaders signed a summit agreement that manifested a commitment to open housing. Though Dr. King considered the agreement a victory and moderate Black leaders saw it as setting a new precedent by forcing the mayor to the conference table, restive Black militants criticized it as a middle class sellout. The agreement ultimately had little effect on the plight of Chicago Blacks, and Dr. King's campaign was defeated by the combination of Mayor Richard Daley's intransigence and the complexities of northern racism. A positive byproduct of the effort was the SCLC's Operation Bread Basket that attacked economic ills and attempted to create new jobs for Blacks.

During 1966, the Black protest movement crumbled into several factions. SNCC, led by Stokely Carmichael, and CORE, under Floyd McKissick, adopted the slogan "Black Power," symbolizing radicalization of the movement. The term dramatically came to the attention of the public during the Meredith march in June. On June 6, 1966, James Meredith had been shot and wounded shortly after he began a 220-mile "March Against Fear" from Memphis, Tenn., to Jackson, Miss. He had hoped to embolden Blacks to register and vote, as well as to demonstrate the right of Blacks to move freely in the South. On the day after the assassination attempt, the leaders of five major civil rights organizations, Dr. King of the SCLC; Roy Wilkins, NAACP; Whitney Young, Jr., National Urban League; Floyd McKissick, CORE; and Stokely Carmichael, SNCC, converged in Memphis to pick up Meredith's march. Dr. King attempted to walk the line between the militancy of SNCC and CORE and the moderate tactics of the NAACP and the Urban League. During the 3-week Meredith march, however, the differing views of King and Carmichael became increasingly apparent. The SCLC president continued to advocate nonviolence, cooperation with whites and racial integration, while Carmichael urged Blacks to resist their white "oppressors" and "seize power."

The marchers reached their destination, Jackson, on June 26. While Meredith and King addressed the marchers, it was Carmichael's plea for Blacks to build a power structure "so strong that we will bring them [whites] to their knees every time they mess with us" that attracted the most attention. In July 1966, CORE adopted "Black Power" rather than integration as its goal. The NAACP disassociated itself from the "Black Power" doctrine.

Urban riots in 1966 by angry and frustrated Blacks did not compare to the magnitude of the Watts riot a year earlier, but violence spread to more cities, 43 for the year, including Washington, D.C., Baltimore, Dayton, St. Louis, Brooklyn, Cleveland, Milwaukee, and Atlanta. By the end of the summer, 7 persons were dead, over 400 injured, 3,000 arrested; property damage was estimated at over $5 million.

1967 was a year of widespread urban violence, sanctioned by some Black militant leaders while abhorred by moderates who saw the up-

rising as ultimately counterproductive to Black interests. It appeared to some that the phase of the Black protest movement characterized by nonviolent demonstrations led by Dr. King was coming to an end. Many civil rights leaders thought violent upheaval inevitable. In an April 16, 1967, news conference, Dr. King warned that at least 10 cities "could explode in racial violence this summer."

Urban racial violence did plague over 100 cities in 1967. During the spring, minor disturbances had occurred in Omaha, Louisville, Cleveland, Chicago, San Francisco, Wichita, Nashville, and Houston. Then in June, Boston and Tampa experienced serious disorders. The most devastating riot since Watts in 1965 occurred, however, in Newark, from June 12 to 17, 1967, an outburst that resulted in 25 deaths, 1,200 persons injured, and over 1,300 arrested. The following month Detroit was the site of the worst urban race riot of the decade, one that left 43 dead, over 2,000 injured and more than 3,800 arrested. Rioting continued around the country, with outbreaks in Phoenix, Washington, D.C., and New Haven, among other cities. According to a report of the Senate Permanent Committee on Investigations released in November 1967, 75 major riots occurred in that year, compared with 21 in 1966; 83 were killed in 1967, compared with 11 in 1966 and 36 in 1965.

On July 27, 1967, President Johnson established the National Advisory Commission on Civil Disorders, chaired by Illinois Gov. Otto Kerner, to investigate the origins of the disturbances and to make recommendations to prevent or contain such outbursts. On July 26, Dr. King, with Roy Wilkins, Whitney Young, and A. Philip Randolph, issued a statement from NAACP headquarters calling on Blacks to refrain from rioting and urging them to work toward improving their situation through peaceful means.

Violence flared early in 1968 as students at South Carolina State College, on February 5, organized a protest against segregation at a local bowling alley. Following the arrests of several demonstrators on trespassing charges, a clash between students and police left eight injured. On February 8, renewed conflicts on the campus led to the shooting deaths of three Black students. The bowling alley was ultimately integrated, but only after the National Guard was called in. Still, sporadic disruptions continued.

On February 29, a jolting summary of the final report of the National Advisory Commission on Civil Disorders was made public. The Commission found that the urban riots of 1967 were not the result of any organized conspiracy, as fearful whites had charged. Rather, it concluded that the United States was "moving toward two separate societies, one Black, one white—separate and unequal." The report warned that frustration and resentment resulting from brutalizing inequality and white racism were fostering violence by Blacks. The Commission suggested that the Nation attack the root of the problems that led to violence through a massive financial commitment to programs designed to improve housing, education, and employment opportunities. This advice was significant because it came not from militants, but from moderates such as Illinois Governor and Commission Chairman Kerner, New York City Mayor and Commission Vice Chairman John V. Lindsay, NAACP executive board chairman Roy Wilkins and Senator Edward W. Brooke of Massachusetts. In the con-

clusion of its report, the Commission quoted the testimony of social psychologist Dr. Kenneth B. Clark, who referred to the reports of earlier violence commissions:

> I read that report * * * of the 1919 riot in Chicago, and it is as if I were reading the report of the investigating committee on the Harlem riot of 1935, the report of the investigating committee of the Harlem riot of 1943, the report of the McCone Commission on the Watts riot.
>
> I must in candor say to you members of this Commission: it is a kind of Alice in Wonderland, with the same moving picture reshown over and over again, the same recommendations, and the same inaction.

Black leaders generally felt vindicated by the report. On March 4, 1968, Dr. King described it as "a physician's warning of approaching death [of American society] with a prescription to life. The duty of every American is to administer the remedy without regard for the cost and without delay."

In December 1967, Dr. King had announced plans for a massive campaign of civil disobedience in Washington to pressure the Federal Government to provide jobs and income for all Americans. In mid-March, he turned his attention from this Poor People's Campaign to a strike of sanitation workers in Memphis, Tenn., and thus began his last peaceful crusade.

THE ROAD TO MEMPHIS (3)

A quest for world peace and an end to economic deprivation for all American citizens, regardless of race, were uppermost in Dr. King's mind during the last year of his life, as manifested by his staunch opposition to the Vietnam war and his Poor People's Campaign, an effort designed to dramatize the scourge of poverty in the United States. In March 1968, he interrupted his planning of the Poor People's March on Washington to travel to Memphis, Tenn., where he hoped to organize a nonviolent campaign to assist the poorly paid, mostly Black sanitation workers who were on strike for better pay, better working conditions, and recognition of their union.

By 1967, American forces in Vietnam had grown to over 500,000, and more than 6,000 Americans had died in the escalating Southeast Asian conflict. (*4*) Opposition to U.S. involvement in Vietnam had begun to intensify. Dr. King was among those who called for disengagement and peaceful settlement.

The press pointed to Dr. King's address at New York City's Riverside Church on April 4, 1967, as the time when the SCLC president publicly disclosed his opposition to the Vietnam war, even though he had made similar statements and had been urging a negotiated settlement since early 1965. (*5*) He attacked the foreign policy of the Johnson administration, emphasizing the connection between wasteful military spending and its harmful effect on the poor, as social programs were dropped in favor of Vietnam-related expenditures. He warned that this pattern was an indication of the "approaching spiritual death" of the Nation. Dr. King described the United States as the "greatest purveyor of violence in the world today," and said that the high proportion of fatalities among Black soldiers in Viet-

nam demonstrated "cruel manipulation of the poor" who bore the burden of the struggle. On April 15, 1967, at a rally at the United Nations, he called for a halt to U.S. bombing.

Dr. King was stunned by the vehement reaction to his call for peace, especially from his colleagues in the civil rights movement. For example, Urban League president Whitney Young and NAACP executive director Roy Wilkins strongly condemned Kings' pacificism.(*6*) Moderate Black leaders feared that the generally sympathetic Johnson administration would be antagonized by the SCLC president's ministrations, while Dr. King argued that war priorities diverted valuable resources that could be used to improve the condition of America's Blacks. At the same time, his indefatigable belief in nonviolence was increasingly challenged by younger, more militant Blacks who did not renounce the use of violence to achieve their goals. A King biographer, David L. Lewis, wrote that by early 1967, "the verdict was that Martin was finished."(*7*)

In late 1967, in keeping with his belief that the problem of domestic poverty was exacerbated by use of Government funds to finance the war in Vietnam, Dr. King turned his attention to the plight of the poor in America. At an SCLC meeting in Atlanta in December 1967, he presented a plan for a nonviolent demonstration by a racially integrated coalition of the poor, to take place in Washington, D.C., in April 1968. Using creative nonviolence, these ignored Americans would demand an economic bill of rights with the objectives of a guaranteed annual income, employment for the able-bodied, decent housing, and quality education. Dr. King planned that the poor would demonstrate, beginning on April 20, until the Government responded to their demands. He wrote:

> We will place the problems of the poor at the seat of the Government of the wealthiest Nation in the history of mankind. If that power refuses to acknowledge its debt to the poor, it will have failed to live up to its promise to insure life, liberty, and the pursuit of happiness to its citizens.

In the face of criticism of his antiwar views by moderate Blacks and rejection of his tireless devotion to nonviolence by militants, Dr. King also hoped to use the Poor People's Campaign to broaden his base of support and buoy the SCLC. In the opinion of Dr. King's closest associate, Reverend Abernathy, SCLC vice-president-at-large in 1968, and Dr. King's successor as president of the organization, SCLC influence had declined since the Selma, Ala., voter registration campaign in 1965. Stymied in its efforts to deal with the urban racism of the North, the SCLC had seen a decline in financial contributions after the 1966 Chicago drive for better housing and nondiscriminatory employment practices. Abernathy described the SCLC's failure to implement new policies in Chicago as "the SCLC's Waterloo."

Public sentiment for a negotiated settlement in Vietnam intensified in early 1968, following the bloody Tet offensive during which the National Front attacked almost every American base in Vietnam and destroyed the U.S. Embassy in Saigon. Dr. King continued his criticism of the Johnson administration's escalation of U.S. involvement in Southeast Asia. In a March 16, 1968, address to delegates at the California Democratic Council's statewide convention in

Anaheim, he urged that Johnson's nomination be blocked by the Democratic Party that year, charging that the President's obsession with the war in Vietnam was undercutting the civil rights movement.(*8*) According to one writer, this was Dr. King's first public call for President Johnson's defeat.(*9*) Although he did not endorse either of the Democratic peace candidates, Senator Eugene B. McCarthy or Senator Robert F. Kennedy, he did praise the civil rights record of each aspirant.

During the weekend of March 16 to 17, 1968, Dr. King told Rev. James Lawson of Memphis, Tenn., that he would be willing to make an exploratory trip to Memphis to speak on behalf of striking sanitation workers. He was expected to appear there on Monday night, March 18, 1968. Reverend Lawson had first contacted Dr. King in late February 1968 in the hope that the SCLC president could assist the garbage workers in pressing their demands, as well as avert further violence between the strikers and the police.

At the heart of the Memphis strike was the issue of racial discrimination.(*10*) As the result of heavy rains in Memphis on January 31, 1968, Black crews of sanitation workers had been sent home without pay, while white city employees had been allowed to work and received a full day's wage. On the following day, two Black sanitation workers took shelter from the rain in the back of a compressor garbage truck. The truck malfunctioned, and the two were crushed to death. These events were the catalyst for a strike of Memphis sanitation workers, 90 percent of whom were Black; they were protesting the problems faced by the workers: low wages, unsafe working conditions, lack of benefits such as medical protection and racial discrimination on the job. On February 12, 1968, all but 200 of the 1,300 Memphis workers walked off their jobs. The American Federation of State, County and Municipal Employees (AFSCME) supported the strike and demanded a pay raise, recognition of AFSCME as sole bargaining agent, seniority rights, health and hospital insurance, safety controls, a meaningful grievance procedure and other benefits.

Newly elected Memphis Mayor Henry Loeb III rejected the demands, labeling the strike illegal and refusing to negotiate until the workers returned to their jobs. Using the slogan "I am a man," Blacks believed that union representation was tantamount to their recognition as human beings. The racial issue became a central theme and the NAACP intervened in the strike.

When the Memphis City Council refused to hear their demands for union recognition on February 23, 1968, the striking workers had responded with their first march. They were ruthlessly dispersed by police indiscriminately using mace and nightsticks. Several marchers were injured. On the following day, the city obtained an injunction against further marches.

Deeply affected by the violence, Black ministers in Memphis, including Lawson, Rev. Samuel B. Kyles, and Rev. H. Ralph Jackson, formed a strike support organization, Community on the Move for Equality (COME) and called for a boycott of downtown stores. Beginning on February 26, COME organized a large number of Black Memphians to support the daily marches that continued for the duration of the strike, and COME leader Lawson invited Dr. Martin Luther King, Jr., to Memphis.

In the midst of organizing his Poor People's Campaign, Dr. King was reluctant to travel to Memphis when first approached by Lawson in late February. Rev. Andrew Young, in 1968 the executive vice-president of SCLC, told the committee that the SCLC staff initially opposed a King trip to Memphis. Dr. King eventually agreed, however, to make an initial trip in an attempt to discourage further violence, rearranging his schedule and flying to Memphis on March 18, 1968. He saw the poorly paid, badly organized, mostly Black garbage workers as epitomizing the problems of the poor in the United States.

On the evening of March 18, Dr. King gave a well-received address to a throng of 17,000 strikers and their supporters. Encouraged by his reception, he announced he would head a citywide demonstration and sympathy strike of other workers on Friday, March 22. As the result of a recordbreaking snowstorm, the march was rescheduled for Thursday, March 28. In the meantime, efforts to settle the strike failed as Mayor Loeb tenaciously continued to reject union demands.

At about 11 a.m. on March 28, 2 hours after the march had originally been scheduled to begin, Dr. King arrived at the Clayborn Temple in Memphis to lead the demonstrators. By this time, the impatient and tense crowd of about 6,000 persons had heard rumors that police had used clubs and mace to prevent a group of high school students from joining the demonstration.

The march, led by Dr. King and Reverend Abernathy, began shortly after 11. As it proceeded along Beale Street toward Main, several Black youths broke store windows with signpost clubs. Police, clad in gas masks and riot gear, blocked Main Street. Abernathy and Dr. King were somewhere in the middle of the procession, not at its head, when they heard the shattering of glass. Some teenagers at the rear of the march began breaking windows and looting stores. When violence appeared imminent, Dr. King asked Reverend Lawson to cancel the march. SCLC aides commandeered a private automobile, and Dr. King was hustled away to safety at the Holiday Inn-Rivermont Hotel.

As Lawson pleaded with the marchers to return to Clayborn Temple, police moved toward Main and Beale where youths met them with picket signs and rocks. Tear gas was fired into the mob of young Blacks and stragglers who were unable to make their way back to the starting point. Police dispersed the crowd with nightsticks, mace and finally guns. In the ensuing melee, 60 persons were injured, and Larry Payne, a 16-year-old Black youth, was killed by police gunfire. Much of the violence was attributed to the Invaders, a group of young Black militants. A curfew was ordered following the riot, and Tennessee Gov. Buford Ellington called out 3,500 National Guard troops.

Dr. King was upset and deeply depressed by the bloody march. Never before had demonstrators led by Dr. King perpetrated violence, according to Abernathy. The press excoriated Dr. King for inciting the tragic confrontation, even though he was quick to state that his staff had not planned the march and it had been poorly monitored. The Memphis debacle was labeled a failure of nonviolence direct action.

Three members of the militant Invaders visited Dr. King on the morning following the violence, Friday, March 29. They acknowledged their role in inciting the disturbance but explained that they merely wanted a meaningful role in the strike. Dr. King said he would do what he could, but stated emphatically that he could not support a group that condoned violence. At a press conference later that morn-

ing, he announced that he would return to Memphis the following week to demonstrate that he could lead a peaceful march.(*11*) He and Abernathy then left Memphis for Atlanta at 3 p.m. Both Jesse Jackson and Andrew Young, members of the SCLC executive board in 1968, told the committee that they believed Dr. King would not have returned to Memphis if the March 28 demonstration had been nonviolent. Following the Memphis incident, critics, including civil rights leaders such as Roy Wilkins of the NAACP, were doubtful that Dr. King could control a demonstration and asked that he cancel the Poor People's Campaign to avoid another bloody eruption.

On Saturday, March 30, 1968, in Atlanta, Dr. King along with the SCLC executive staff, including Abernathy, Young, Jackson, James Bevel, Walter Fauntroy, and Hosea Williams, decided it was crucial to resolve the Memphis dispute before marching on to Washington with the Poor People's Campaign. Abernathy said Dr. King, was "very delighted" by this plan, which would allow him to prove the efficacy of nonviolence. The next day, Dr. King preached at Washington's National Cathedral, urging human rights in the United States and withdrawal from Vietnam. He mentioned the Poor People's march and promised an orderly, nonviolent demonstration. That evening, President Johnson announced his decision not to seek reelection in 1968.

On Monday, April 1, an entourage of SCLC executive staff members arrived in Memphis to lay the groundwork for a peaceful demonstration in support of the striking garbage workers, preparation that regrettably had been ignored before the last march. Memphis was the focus of national attention the next day as hundreds of Blacks attended the funeral of riot victim Larry Payne.

Dr. King, with Abernathy and administrative assistant Bernard Scott Lee, arrived in Memphis on Wednesday, April 3. That morning their flight had been delayed in Atlanta for more than an hour by an extensive search for a bomb following a threat against Dr. King. Solomon Jones, a local mortuary employee who served as Dr. King's chauffeur during his Memphis visits, took Dr. King and Abernathy from the airport to the Lorraine Motel. Dr. King's April 3 return visit to Memphis had received heavy publicity. It was common knowledge that he would be staying at the Lorraine, and at least one radio station announced that he was booked in room number 306, according to Kyles.

On the morning of April 3, U.S. District Court Judge Bailey Brown issued a temporary restraining order against the SCLC-sponsored demonstration that was originally scheduled to occur on Friday, April 5. Dr. King was determined to lead the march despite the injunction, and the planned protest became a major attraction for Blacks and union leaders.

Tornado warnings were broadcast in Memphis during the afternoon of April 3, and heavy rain fell on the city that night. Despite the inclement weather, 2,000 persons gathered that evening at the Mason Temple Church and awaited Dr. King, who was scheduled to speak there. King had asked Reverend Abernathy to talk in his place, but when Abernathy saw the enthusiastic crowd waiting to hear the SCLC president, he telephoned Dr. King and urged him to give the address. King agreed to go to Mason Temple, where he gave one of the most stirring speeches of his career, the last public address of his life.

After alluding to the bomb scare that morning and other threats against him, Dr. King explained his return visit to Memphis despite such intimidation. Ambassador Young later remarked to the committee that the address was "almost morbid," and Abernathy noted that his friend appeared particularly nervous and anxious.

Dr. King concluded the speech with a reference to his own death:

> * * * Well, I don't know what will happen now. We've got some difficult days ahead. But it really doesn't matter to me now, because I've been to the mountaintop. I won't mind.
>
> Like anybody, I'd like to live a long life. Longevity has its place but I'm not concerned about that now. I just want to do God's will and He's allowed me to go up to the mountain. And I've looked over. And I've seen the Promised Land.
>
> So I'm happy tonight. I'm not worried about anything. I'm not fearing any man. "Mine eyes have seen the glory of the coming of the Lord."

After the talk, Dr. King and Young had dinner at the home of Judge Ben Hooks, a Memphis Black leader. Later that evening, Dr. King's brother, Rev. A. D. King, arrived in Memphis from his home in Louisville, Ky. He registered at the Lorraine Motel at 1 a.m. on April 4. Dr. King, who had not expected his brother in Memphis, visited with him until almost 4 a.m.

THE LAST MOMENTS: MEMPHIS, TENN., APRIL 4, 1968

Dr. King spent the last day of his life, Thursday, April 4, 1968, at the Lorraine Motel. Walter Lane Bailey, owner of the Lorraine, later recalled that the usually businesslike SCLC president was particularly jovial that day, "teasing and cutting up."

At an SCLC staff meeting that morning, the march, planned for the next day, was postponed until the following Monday, April 8. In addition, that morning, SCLC general counsel Chauncey Eskridge appeared before Judge Bailey Brown in Federal court and argued that the city's injunction against the proposed demonstration should be lifted. In the meantime, four members of the Invaders presented a series of demands to Dr. King, including one for several thousand dollars. He refused to entertain their demands. After the men left, he told a group of executive board members that he would not tolerate advocates of violence on his staff and was angry that two Invaders had been assigned to work with the SCLC.

At about 1 p.m., Dr. King and Reverend Abernathy had a lunch of fried catfish at the motel, then Abernathy went to his room to take a nap, while Dr. King visited his brother in his room.

At about 4 p.m. on the afternoon of April 4, Abernathy was awakened from his nap by the telephone in his motel room. He answered, and Dr. King asked him to come to his brother's room, No. 201, so they could talk.

When Abernathy reached A. D.'s room, Dr. King told him that he and A. D. had called Atlanta and had spoken with their mother, who was pleased that her sons could get together in Memphis. He also said that they were all invited to the Kyles home for dinner. At King's direction, Abernathy called Mrs. Kyles to find out what she would be

serving, and she said she would have a good dinner of prime rib roast and soul food such as chitterlings, greens, pig's feet and blackeyed peas.

At about 5 p.m., according to Abernathy, he and Dr. King returned to room 306 to shave and dress for dinner. He recalled Dr. King's use of an acrid, sulfurous depilatory to remove his heavy beard, part of his daily shaving ritual. As they were preparing to leave, Abernathy mentioned that he would not be able to attend the poor people's march in Washington in April because he had planned a revival at his West Hunter Street Baptist Church in Atlanta for that same day. Dr. King told Abernathy he would not consider going to Washington without him and attempted to make arrangements for someone else to handle the Atlanta revival. He called Rev. Nutrell Long in New Orleans but was unable to reach him.

Dr. King then told Abernathy to go to the West Hunter Street Church and tell his congregation that,

> * * * you have a greater revival, you have a revival where you are going to revive the soul of this Nation; where you are going to cause America to feed the hungry, to have concern for those who are downtrodden, and disinherited; you have a revival where you are going to cause America to stop denying necessities to the masses * * *.

Abernathy agreed to go to Washington with Dr. King.

At about 5:30 p.m., Kyles went to room 306 and urged Dr. King and Abernathy to hurry so they would get to dinner on time. "OK, Doc, it's time to go," he urged. Kyles had arrived at the Lorraine at about 4 p.m. and had run into the Bread Basket Band, an SCLC singing group. He had been singing some hymns and movement anthems with them until shortly after 5 p.m. Dr. King assured Kyles that he had telephoned the preacher's home and that Mrs. Kyles had said dinner was not until 6. "We are not going to mess up her program," Dr. King insisted.

When he finished dressing, Dr. King asked Kyles if his tie matched his suit. He was in a good mood, according to Kyles, who told the committee that Dr. King teased him about dinner, saying he once had been to a preacher's house for ham and Kool-Aid, and the ham was cold. "I don't want to go to your house for cold food."

As Dr. King adjusted his tie, he and Kyles walked onto the balcony outside room 306. The room overlooked a courtyard parking lot and swimming pool. The two men faced west, toward the backs of several rundown buildings on Mulberry Street. Dr. King greeted some of the people in the courtyard below, and Kyles said hello to SCLC attorney Eskridge who had been in Federal court most of the day. Eskridge was challenging the injunction against the SCLC's proposed Monday march, and the court had decided to permit a demonstration, though it restricted the number of marchers and the route. After court had adjourned at 3 p.m., Eskridge went with Young to the Lorraine where they saw Dr. King in A. D.'s room and informed him of the ruling. At that time, Dr. King invited Eskridge to join him for dinner at the home of Reverend Kyles. Thus, Eskridge was standing in the Lorraine's courtyard parking lot shortly before 6 p.m., awaiting Dr. King's departure for dinner. Dr. King, leaning against the iron railing of the balcony, called to Eskridge and asked that he tell Jesse Jackson,

a member of the SCLC's Chicago chapter, to come to dinner with him. Eskridge found Jackson, who was also in the courtyard, and invited him to dinner, suggesting that he change into something other than the turtleneck he was wearing.

Rev. James Orange of the SCLC advance team and James Bevel were also in the courtyard. Both had been assigned by the SCLC staff to work in Memphis with the Invaders in an effort to get the young militants to cool down. Orange had just arrived at the Lorraine with Marrell McCullough, a Memphis Police Department undercover officer. Orange and Bevel wrestled playfully in the courtyard. Dr. King spotted them and shouted to Bevel: "Don't let him hurt you."

Dr. King's chauffeur, Solomon Jones, was standing next to the funeral home limousine, which he had parked in front of room 207, below room 306. Jones had been parked in front of the Lorraine since 8:30 a.m. that morning, and he later recalled that this was the first time Dr. King had stepped out that day. Dr. King told Jones to get the car ready for their trip to Kyles' home, and Jones urged him to bring a top coat because it was chilly that evening. "Solomon, you really know how to take good care of me," Dr. King responded.

Dr. King's administrative assistant, Bernard Lee, along with Andrew Young and Hosea Williams, were also talking in the Lorraine parking lot, waiting for Dr. King to leave for dinner. Young recalled that Jones said, "I think you need a coat" to Dr. King. Ben Branch, leader of the Bread Basket Band, was also there, with Jesse Jackson. Dr. King called down to Branch, "Ben, make sure you play 'Precious Lord, Take My Hand' at the meeting tonight. Sing it real pretty."

"OK, Doc, I will," Branch promised.

Meanwhile, in room 306, Abernathy recalled that at some point shortly before 6 p.m., he and Dr. King put on their coats and were about to leave the motel. Abernathy hesitated and said, "Wait just a moment. Let me put on some aftershave lotion."

According to Abernathy, Dr. King replied, "OK, I'll just stand right here on the balcony."

Kyles recalled that Dr. King asked Abernathy to get his topcoat and then called to Jackson, "Jesse, I want you to go to dinner with us this evening," but urged him not to bring the entire Bread Basket Band. Kyles chided Dr. King, "Doc, Jesse had arranged that even before you had." Kyles then stood on the balcony with Dr. King for a moment, finally saying, "Come on. It's time to go." Kyles turned and walked away to go down to his car. After a few steps, Kyles called to lawyer Eskridge in the courtyard below. "Chauncey, are you going with me? I'm going to get the car."

At 6:01 p.m., as Dr. King stood behind the iron balcony railing in front of room 306, the report of a high-powered rifle cracked the air. A slug tore into the right side of his face, violently throwing him backward.

At the mirror in room 306, Abernathy poured some cologne into his hands. As he lifted the lotion to his face, he heard what sounded like a "firecracker." He jumped, looked out the door to the balcony and saw that Dr. King had fallen backward. Only his feet were visible, one foot protruding through the ironwork of the balcony railing. According to Abernathy, the bullet was so powerful it twisted Dr. King's body so that he fell diagonally backward. As Abernathy rushed out

to aid his dying friend, he heard the cries and groans of people in the courtyard below.

Just below the balcony, Jones recalled that Young and Bevel shoved him to the ground just after the firecracker sound. He looked up and saw Abernathy come out of the room and then realized that the prone Dr. King had been shot. Lee, who had been talking with Young and Bevel, took cover behind a car and then noticed Dr. King's feet protruding through the balcony railing.

Memphis undercover policeman McCullough recalled that immediately before he heard the shot, he saw Dr. King alone on the balcony outside room 306, facing a row of dilapidated buildings on Mulberry Street. As he turned away from Dr. King and began to walk toward his car, McCullough, an Army veteran, heard an explosive sound, which he assumed was a gunshot. He looked back and saw Dr. King grasp his throat and fall backward. According to McCullough's account, he bolted up the balcony steps as others in the courtyard hit the ground. When he got to Dr. King's prone figure, the massive face wound was bleeding profusely and a sulfurous odor like gunpowder, perhaps Dr. King's depilatory, permeated the air. McCullough took a towel from a housekeeping tray and tried to stem the flow of blood.

Eskridge had heard a "zing" and looked up toward the balcony. He saw that Dr. King was down, and as Abernathy walked out onto the balcony, Eskridge heard him cry out "Oh my God, Martin's been shot." A woman screamed.

Abernathy recalled that when he walked out on the balcony, he had to step over his mortally wounded friend.

> * * * the bullet had entered his right cheek and I patted his left cheek, consoled him, and got his attention by saying, "This is Ralph, this is Ralph, don't be afraid."

Kyles, who had started to walk toward his car, ran back to room 306. Young leaped up the stairs from the courtyard to Dr. King, whom he found lying face up, rapidly losing blood from the wound. Young checked Dr. King's pulse and, as Abernathy recalled, said, "Ralph, it's all over."

"Don't say that, don't say that," Abernathy responded.

Kyles ran into room 306. Abernathy urged him to call an ambulance. Kyles tried to make the call, but was unable to get through to the motel switchboard.

Lee, Jackson, and Williams had followed Young up the steps from the courtyard to room 306. Dr. King's still head lay in a pool of blood. Abernathy, kneeling over his friend, tried desperately to save Dr. King's life. Several of the men on that balcony pointed in the direction of the shot. Frozen in a picture taken by photographer James Louw, they were aiming their index fingers across Mulberry Street and northwest of room 306.

An ambulance arrived at the Lorraine about 5 minutes after Dr. King had been shot, according to Abernathy. By this time, police officers "cluttered the courtyard." Abernathy accompanied the unconscious Dr. King to the emergency room of St. Joseph Hospital. The 39-year-old civil rights leader, described by Abernathy as "the most peaceful warrior of the 20th Century," was pronounced dead at 7:05 p.m., April 4, 1968.